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Action Plan Review:
Sierra Leone 2021–2023

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Introduction

In January 2021, the IRM rolled out the new products that resulted from the IRM Refresh process.[1] The new approach builds on the lessons after more than 350 independent, evidence-based and robust assessments conducted by the IRM and the inputs from the OGP community. The IRM seeks to put forth simple, timely, fit for purpose and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

The IRM products as of 2021 are:

1. **Co-Creation Brief** - brings in lessons from previous action plans, serves a learning purpose, and informs co-creation planning and design.
2. **Action Plan Review** - an independent, quick, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process.
3. **Results Report** - an overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. Results Report are delivered up to four months after the end of the implementation cycle.

This product consists of an IRM review of the Sierra Leone 2021–2023 action plan. The action plan is made up of four commitments. This review emphasizes its analysis on the strength of the action plan to contribute to implementation and results. For the commitment-by-commitment data see Annex 1. For details regarding the methodology and indicators used by the IRM for this Action Plan Review, see section IV. Methodology and IRM Indicators

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[1] For more details regarding the IRM Refresh visit https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/

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Section I: Overview of the 2021–2023 Action Plan

Sierra Leone's fourth action plan contains four commitments that aim to address national priorities such as transparency in elections and the extractives sector. The government and civil society collaboratively designed the action plan. Civil society input led to commitments to open parliament and to strengthen access to justice.

Sierra Leone's fourth action plan contains commitments of broad interest to the public and continues reforms in beneficial ownership (BO), access to justice, and open parliament. Open elections represent a new area of reform that aims to increase election integrity and transparency around registered voters. A majority of the commitments place emphasis on civic engagement and government transparency. In addition, some commitments lay important groundwork for reforms to public transparency and accountability to address corruption and conflict of interest in government. Following challenges to implement the third action plan due to the COVID-19 pandemic, this action plan includes fewer commitments than the previous one.

High-level consultation went into the creation of the action plan. This included an 18-person Steering Committee with equal representation from civil society and government, set up by the National Council for Civic Education and Development (NaCCED). The action plan reflects civil society input, with commitments on open parliament and access to justice emanating from civil society. To develop the action plan, the Steering Committee held two consultations and a final validation meeting. As the pandemic limited in-person meetings, the national Open Government Partnership (OGP) team publicised draft commitments through call-in radio programs and social media, collecting input from citizens across the country.

Commitments to open parliament, elections, and the extractives sector have the greatest promise for open government results. Commitment 1 aims to establish permanent channels for communication and collaboration between parliament and civil society. Commitment 3 aims to increase access to information on election processes and enhance the credibility, trust, and independence of the electoral management body. Commitment 4 introduces a range of extractives sector reforms, such as advancing transparency around contracts and beneficial ownership. Commitment 2 to increase citizens' access to justice has been carried over from the previous action plan. This commitment addresses an important policy. However, obstacles that inhibited implementation under the previous action plan, such as lack of resources and inter-agency coordination, remain a concern.

AT A GLANCE

Participating since: 2013
Action plan under review: Fourth
IRM product: Action Plan Review
Number of commitments: 4

Overview of commitments:
Commitments with an open gov lens: 4 (100%)
Commitments with substantial potential for results: 2 (50%)
Promising commitments: 3

Policy areas carried over from previous action plans:
- Open extractives/BO & systematic disclosure of extractives data
- Open parliament
- Access to justice

Emerging in this action plan:
- Open elections

Compliance with OGP minimum requirements for Co-creation:
Acted according to OGP process: Yes

Section II: Promising Commitments in Sierra Leone's 2021–2023 Action Plan

The following review looks at the 3 commitments that the IRM identified as having the potential to realize the most promising results. This review will inform the IRM's research approach to assess implementation in the Results Report. The IRM Results Report will build on the early identification of potential results from this review to contrast with the outcomes at the end of the implementation period of the action plan. This review also provides an analysis of challenges, opportunities and recommendations to contribute to the learning and implementation process of this action plan.

Table 1. Promising commitments

Promising Commitments
Commitment 1: This commitment aims to establish channels for dialogue and collaboration between the public and parliament in legislative and budget processes.
Commitment 3: This commitment seeks to make the National Electoral Commission (NEC)'s work more transparent through the publication of registered voters, election results, and voter education efforts.
Commitment 4: This commitment aims to improve citizens' access to information in the extractives sector, particularly around contracts and beneficial ownership data.

Commitment 1: Open Parliament
[Westminster Foundation for Democracy, Campaign for Good Governance, OGP Steering Committee, OGP Parliamentary Working Group]

Context and objectives:
This commitment aims to build stronger relationships between parliament and civil society organisations (CSOs) by providing an avenue for dialogue and collaboration. It aims to create awareness among citizens on the role of parliament and create a feedback mechanism for citizens to effectively participate in the work of parliament. Specifically, Parliament of Sierra Leone committed to hold a biannual forum with civil society (Milestone 1), establish a parliamentary-CSO joint oversight committee (5), and train parliamentarians on the roles and responsibilities of CSOs (4). They also committed to establish a 'CSO desk' to facilitate collection of CSO input to draft laws (2) and to expunge section 75 of the standing order to enable CSO participation in the final budget debate (3). Section 75 currently prohibits publication of Select Committee Reports before committee proceedings are reported to parliament.[2] Regarding strengthening transparency, parliament committed to establish a service charter in the Southern, Northern, North West, and Eastern regions (6); create a data management system (7); and publish its annual report each year on various platforms (8).

Potential for Results: Substantial

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[2] Parliament of Sierra Leone, Standing Orders of the Sierra Leone Parliament, https://www.parliament.gov.sl/standing-orders.html.

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This commitment has a substantial potential to create new channels for civil society participation in parliaments' work and to make information on parliamentary activities accessible to the public. If implemented as written, this reform will strengthen civic participation and government transparency. It is not clear at the time of writing this report whether the milestones listed will have a direct contribution to public accountability, as the parliamentary-CSO joint oversight committee had not yet determined its mandate.[3] Mohamed Jalloh of the Office of the Clerk of Parliament stated that the Steering Committee included this commitment in the action plan following a communiqué in which parliament and 52 CSOs agreed to establish a parliamentary-CSO joint oversight committee.[4]

Historically, Parliament of Sierra Leone has provided limited transparency and opportunity for public engagement around its work. As one proxy metric, the 2019 Open Budget Survey scored Sierra Leone below 50% in the areas of participation, transparency, and accountability in the budget process.[5]

At the time this commitment was designed, parliament had begun modest efforts to strengthen transparency and create opportunities for citizen engagement under the previous action plan.[6] Specifically, parliament launched the Sierra Leone Parliament app (2019),[7] established a 15-member OGP Parliamentary Working Group, launched the Parliamentary Service Charter (2021),[8] and held the first parliamentary Open Day.[9] In addition to these efforts, parliament currently live streams hearings on Facebook.[10] In 2020, the Working Group and other parliamentary leadership participated in a study tour that included a conversation on strengthening CSO collaboration to open parliament, as reflected in this commitment.[11]

This new commitment represents an increase in ambition, as it aims to go beyond releasing information to establishing permanent channels for collaboration and dialogue between the parliament, public, and civil society. Milestones not completed under the first commitment to

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[3] Mohamed Jalloh (Office of the Clerk of Parliament), interview by IRM, 21 June 2022.

[4] Jalloh, interview by IRM.

[5] Open Budget Survey is the world's only independent, comparative, and fact-based research instrument that uses internationally accepted criteria to assess public access to central government budget information, formal opportunities for the public to participate in the national budget process, and the role of budget oversight institutions such as the legislature and auditor in the budget process. See 'Open Budget Survey 2019: Sierra Leone', pp. 2, 6, 8, available at https://www.internationalbudget.org/sites/default/files/country-surveys-pdfs/2019/open-budget-survey-sierra-leone-2019-en.pdf.

[6] OGP, 'Sierra Leone Action Plan 2021–2023', 1 March 2022, https://www.opengovpartnership.org/documents/sierra-leone-action-plan-2021-2023/.

[7] Westminster Foundation for Democracy, 'The Sierra Leone Parliament: There's an App for That!', 4 October 2019, https://www.wfd.org/story/sierra-leone-parliament-theres-app.

[8] Westminster Foundation for Democracy, 'Supporting the Sierra Leone Parliament in Its Commitment to Openness and Accessibility', 8 March 2021, https://www.wfd.org/story/supporting-sierra-leone-parliament-its-commitment-openness-and-accessibility.

[9] IRM, *Sierra Leone Transitional Results Report 2019–2021*, https://www.opengovpartnership.org/wp-content/uploads/2022/09/Sierra-Leone_Transitional-Results-Report_2019-2021.pdf.

[10] Parliament of Sierra Leone Facebook page, https://www.facebook.com/ParliamentSierraLeone.

[11] Westminster Foundation for Democracy, 'Open Parliament: Sierra Leone's National Assembly Committed to Transparency for All Citizens', 18 December 2020, https://www.wfd.org/story/open-parliament-sierra-leones-national-assembly-committed-transparency-all-citizens; Institute for Development of Freedom of Information, 'Parliaments as Partners for Open Government Reform (OGP Virtual Study Tour)', 11 December 2020, https://idfi.ge/en/parliaments_as_partners_for_open_government_reform.

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publish regionally focused service charters and publish the parliament's annual report were carried over into the second commitment.

At the time of formulating this commitment, parliament and CSOs had jointly signed a memorandum of understanding, with a series of recommendations by parliament.[12] Already, the leadership of parliament has approved a resolution signed between parliament and CSOs for the establishment of a CSO desk in parliament.[13] In 2022, the Westminster Foundation for Democracy co-hosted a second parliamentary Open Day that enabled advocates for the disability community to meet with the Speaker and other leaders of parliament.[14]

Opportunities, challenges and recommendations during implementation

Sierra Leone's first open parliament commitment has already demonstrated that parliamentary engagement has the potential to advance open government reforms across the action plan, through the advancement of the Gender Empowerment Bill.[15] If fully implemented, this second commitment holds the potential to strengthen parliamentary engagement in open government reforms through greater collaboration with civil society. Specifically, communication channels such as the joint oversight committee and the CSO desk could further advance the aim to increase marginalised communities' access to parliament, as aimed for under the first open parliament commitment.

Looking ahead, parliament and civil society partners could use these new channels to collaboratively strengthen protection for civic space. As of November 2022, CIVICUS rated Sierra Leone's civic space as 'obstructed'.[16] Freedom House notes that nongovernmental organisations operate under some restrictions, such as a need for ministerial approval for projects. Moreover, the right to freedom of assembly has not been consistently protected.[17] A robust civic space is a vital precondition to effective public participation in government decision-making. Collaboration between parliament and civil society to strengthen legal protections for civic space could help establish trust and reinforce a necessary pillar for open government reforms.

In the near term, commitment implementers could take stock of progress made under the commitment thus far and design an implementation road map for the remainder of the action plan period. The implementation road map could identify the following:
- A specific and detailed mandate of the parliamentary-CSO joint oversight committee. Mohamed Jalloh[18] noted the lack of a detailed framework on the mandate of the joint committee and said the committee will develop this once parliament establishes the CSO desk.

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[12] Joseph Johnson, 'Parliament Endorses CSO Desk', *AYV Newspaper*, 26 April 2022, https://www.ayvnewspaper.com/news/parliament-endorses-cso-desk/.
[13] Jariatu S. Bangura, 'Sierra Leone: Parliament to Establish CSO Desk', AllAfrica, 26 April 2022, https://allafrica.com/stories/202204260576.html.
[14] Westminster Foundation for Democracy, 'Parliament Meets the People in Sierra Leone', 1 June 2022, https://www.wfd.org/story/parliament-meets-people-sierra-leone.
[15] OGP, 'Sierra Leone Transitional Results Report 2019–2021', 7 September 2022, https://www.opengovpartnership.org/documents/sierra-leone-transitional-results-report-2019-2021/.
[16] CIVICUS, landing page for Sierra Leone, https://monitor.civicus.org/country/sierra-leone/.
[17] Freedom House, entry for Sierra Leone 2022, https://freedomhouse.org/country/sierra-leone/freedom-world/2022.
[18] Jalloh, interview by IRM.

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- Specific mechanisms under the CSO desk to enable greater public input in the legislative process. Similarly, the format for the data management system planned under Milestone 7 and how it will support citizen participation.
- A plan to roll out the Parliamentary Service Charter to the public. According to Mohamed Jalloh[19] the government plans to work with CSOs to roll out the charter in the relevant regions and possibly establish a Public Relations Office for this purpose.
- The nature and type of information parliament will publish, and a plan for disseminating the annual reports. This plan could consider how to address citizens without internet access to view reports or the parliamentary app.

Commitment 3: Open Elections
[Election Conflict Prevention and Mediation Group, National Election Watch, CHDRI, Inter-Religious Council, Eminent Women, Institute for Governance Reform, Initiatives for Media Development, CARL]

Context and objectives:
This commitment aims to support the NEC's work to deliver elections in a credible, transparent, and accountable manner. Specifically, this reform aims to strengthen government transparency through the publication of the list of registered voters, election results, and voter education materials in the lead up to the June 2023 elections.

The milestones include (1) citizen access to the voter register online (hybrid system), (2) a credible voter register produced at least six months before elections, (3) integrity training for electoral management bodies on the overall management of elections, (4) development and signing of integrity pledges by the electoral management body, (5) establishment of an effective information and communications technology (ICT) infrastructure that supports the NEC's ICT operations and results management systems as provided by law, and (6) development and rollout of a voter education strategy.

Potential for results: Modest
The commitment represents a positive incremental step to improve electoral credibility, particularly by establishing ICT infrastructure to support operations and results management. The commitment represents a new policy area in Sierra Leone's OGP process and aims to enhance transparency in the management of public elections. It seeks to enhance the credibility, trust, and independence of the electoral management body by enhancing the capacity of voters through educating, adopting and using technology to support the commission's operations (data and results management system), and making information available and accessible on the voter register. However, the commitment does not address more systemic challenges for Sierra Leone's electoral system, which would require fundamental legal reforms.

In Sierra Leone, elections are a significant building block to the country's commitment to enduring peace.[20] Per section 33 of the Constitution of Sierra Leone, the NEC is the sole authority with the constitutional mandate to prepare and conduct all public elections and

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[19] Jalloh, interview by IRM.
[20] 'Sierra Leone Profile - Timeline', BBC News, 5 April 2018, https://www.bbc.com/news/world-africa-14094419. The UN Missions declared civil war in Sierra Leone over in 2002, 11 years after it started.

referenda.[21] The president of Sierra Leone appoints all five members of the NEC to a five-year term, after consultation with all registered political parties and subject to parliament's approval. In addition to conducting all public elections and referenda, the NEC is responsible for registering all eligible voters; preparing, maintaining, and regularly reviewing the register of voters; conducting civic electoral education demarcating constituency boundaries; and making regulations for the efficient execution of its functions.[22] In addition, the constitution empowers the NEC to utilise appropriate technology and adopt appropriate approaches in the performance of its functions.[23] Besides building public trust in the electoral process and ultimately creating a sense of legitimacy of government, this commitment aims to address the inadequacies of the existing legal framework and move Sierra Leone's election system towards international best practices.[24]

In 2018, Sierra Leone held its general election, representing the fifth straight general election since return to multiparty elections in 1996 and the third since the 2002 conclusion of the country's civil war.[25] It was the first election to be conducted without the supervision of a United Nations (UN) mission approved by the UN Security Council, and it was conducted with significantly lower levels of donor funding. The European Union Election Observation Mission (EOM) assessed the entire electoral process against the national legislation pertinent to elections, regional and international obligations, and commitments of Sierra Leone. They provided recommendations based on their observations.[26]

The EOM observed that the NEC performed its constitutional duties in a competent and impartial manner even though a late disbursement of government funding and an overcrowded electoral calendar resulted in operational challenges in the 2018 elections. Although the NEC succeeded in conducting a challenging voter registration exercise during a boundary delimitation process in 2017, the EOM noted significant discrepancies in the numbers of registered voters in the different constituencies and wards, which resulted in votes in some constituencies having more political weight than in others.[27] It also observed that despite recounts confirming the original results, the polling staff's negligence and simple errors in dealing with results protocols in the first-round election led to minor irregularities discovered during tallying and subsequent numerous recounts of ballots from the affected polling stations.[28] It then offered twenty-nine priority recommendations, based on extensive consultations with a broad range of stakeholders, two of which aimed to rectify the conflict related to the registration of voters and strengthen the independence and institutional capacity of the NEC.[29]

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[21] Section 2 of the Public Elections Act No 26. of 2012, available at http://www.sierra-leone.org/Laws/2012-04.pdf.
[22] Section 7(1), Public Elections Act.
[23] Section 7(2), Public Elections Act.
[24] OGP, *Sierra Leone National Action Plan IV (December 2021–June 2023)*, https://www.opengovpartnership.org/wp-content/uploads/2022/03/Sierra-Leone_Action-Plan_2021-2023.pdf.
[25] International Foundation for Electoral Systems, FAQ for Elections in Sierra Leone: 2018 General Questions, 2 March 2018, https://www.ifes.org/tools-resources/faqs/elections-sierra-leone-2018-general-elections.
[26] EOM, *Final Report Republic of Sierra Leone Presidential, Parliamentary and Local Council Elections 2018*, June 2018, https://www.eeas.europa.eu/sites/default/files/eu_eom_sl_2018_final_report_3.pdf.
[27] EOM, *Final Report*, 4.
[28] EOM, *Final Report*, 5.
[29] EOM, *Final Report*, 7.

This commitment includes feasible activities to strengthen electoral processes possible within the existing legal framework. The EOM highlighted shortcomings in the legal framework that would require changes in primary legislation and even the constitution to bring the electoral framework in line with international standards. In the absence of such changes, this commitment represents a vital and incremental step that can build towards full implementation of the EOM recommendations in the longer term.[30]

Opportunities, challenges and recommendations during implementation

This reform illustrates the government of Sierra Leone's ongoing commitment to free and fair elections. However, this commitment's potential largely rests on whether the government allocates sufficient funding for the NEC to carry out its mandate. The cultivation of a coalition for nonpartisan electoral reform across government bodies and with civil society could supplement the NEC's financial and technical resources. Moreover, this commitment's objective includes strengthening the NEC's independence. In this regard, the milestone to introduce integrity training and pledges for election management staff is an important, but modest, step towards this overarching goal. Looking ahead, the NEC and partners could consider the recommendations from the National Election Watch on strengthening the NEC's independence and implementation of credible elections:[31]

- The NEC should provide training and establish plans for police and other security bodies to ensure safe polling and registration sites and to uphold election integrity.
- The government of Sierra Leone should base political boundaries and election resource distribution on accurate and trusted population data.
- The NEC and the National Civil Registration Authority should provide well-resourced, publicised, and efficient voter registration drives, particularly in remote regions.
- The NEC should standardise and widely publicise requirements around identification documents for citizens registering to vote.
- The government of Sierra Leone should ensure fair and standardised treatment for first-time voters and individuals lacking documents.
- The government of Sierra Leone should strengthen coordination between the NEC, the National Civil Registration Authority, and Statistics Sierra Leone to facilitate efficient and accurate voter registration and documentation.

Commitment 4: Open Extractives/BO & Systematic Disclosure of Extractives Data
[Sierra Leone Extractives Industries Transparency Initiative (SLEITI), National Advocacy Coalition on Extractives, Natural Resources Governance and Economic Justice Network, Human Rights Defenders Network, Women on Mining and Extractive, Sierra Leone Chamber of Mines, Initiatives for Media Development]

Context and objectives:
This commitment's objective is to enhance transparency and accountability in extractives resource governance to increase responsible investment, prevent conflict of interest, close channels of corruption, and increase tax revenue and economic development. To do so, it aims to strengthen systematic disclosure of a wide range of information in the oil, gas, and mining

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[30] A summary of the recommendations can be found in the EOM report, pp. 43–56, available at https://www.eeas.europa.eu/sites/default/files/eu_eom_sl_2018_final_report_3.pdf.
[31] National Election Watch, press releases, https://nationalelectionwatchsl.org/press/.

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sectors, including legal frameworks; licences; contracts; BO of companies; exploration, production, and export; and payments by companies and receipts by governments on all transactions across the sector's value chain. The commitment aims to promote public debate through data that is accessible, timely, comprehensive, reliable, and comprehensible.

This commitment's milestones seek to strengthen the legal framework and technical infrastructure to ensure ongoing and comprehensive information disclosure. Regarding legal reforms, activities include updating the Open Data Policy (1), mandating BO disclosure (3), redrafting and passing the SLEITI Bill (5), and passing the New Mines and Minerals Development Bill (6). The government also commits to publishing BO information (3); publishing all oil, gas, and mining licences and contracts in the area of exploration and production on a publicly accessible government portal (2); and disclosing up-to-date information on operations (e.g., government revenue data, sub-national revenues) in the extractives sector across government agencies (4).

Potential for Results: Substantial

This commitment has a substantial potential to improve the public's access to key extractives sector information to inform participation in government decision-making and to hold the government to account. Disclosure of BO is especially key in addressing corruption risks and aiding in integrity checks and due diligence.[32] Already, Sierra Leone has updated its open data policy, adopting a set of principles to guide the release of existing and new datasets under the Extractives Industries Transparency Initiative (EITI), and thus provides a foundation for the access, use, and reuse of data.[33] Besides taking an open-by-default approach to the release of further datasets, SLEITI commits itself to systematic disclosure of EITI data, BO disclosure, and contract transparency.

Sierra Leone has a large mining sector, which accounted for 67% of exports in 2019. Sierra Leone is also home to small-scale and artisanal mining in diamonds and gold. Transparent resource management has been a national priority, as the extractives sector played an influential role in the Sierra Leone Civil War (1991–2002). Sierra Leone has been a member of the EITI since 2008. Sierra Leone's EITI Multi-Stakeholder Group is within the Office of the Vice President.[34]

SLEITI publishes information through the EITI reports to promote accountable and equitable management of natural resources.[35] However, the open data policy recognises the need to increase the usability and interoperability of data released under the EITI to create a firmer foundation for individuals, media, civil society, students, and industry to make use of data in

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[32] Transparency International Australia, 'Who Benefits? A Series on Beneficial Ownership and Integrity Screening in the Mining Sector', 22 March 2021, https://transparency.org.au/who-benefits-a-series-on-beneficial-ownership/.
[33] SLEITI, *SLEITI MSG 2022 Open Data Policy*, 29 March 2022, http://www.sleiti.gov.sl/index.php/documents/sleiti-msg-2022-open-data-policy.
[34] EITI, landing page for Sierra Leone, https://eiti.org/countries/sierra-leone.
[35] GoSL Online Repository, Sierra Leone National Minerals Agency, https://sierraleone.revenuesystems.org/dashboard. Sierra Leone also publishes licence information on http://resourcecontracts.org/.

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making decisions and contributing to public debate.[36] Sierra Leone does not have a contract disclosure policy, but the SLEITI Bill includes provisions to promote contract disclosure.[37]

The 2022 SLEITI Validation Report, which looked at data from 2019, found that disclosure of information on contracts and BO in the sector remains limited and the legal frameworks remain in progress. The report also found little evidence that published contract data is used for research and recommended publication in an open data format. The report also noted the importance of transparency around the state's principal interests in the sector and the implications of the global energy transition. There is also an absence of information on small-scale and artisanal mining and environmental impacts.[38]

The government of Sierra Leone sought to mandate the disclosure of companies' beneficial owners under the previous action plan. The need to enshrine BO disclosure in law under an amended Companies Act slowed progress. In the interim, the government focused on progress towards the disclose of owners of mining companies, as required under Sierra Leone's membership in the EITI.[39] SLEITI established a technical working group and a road map[40] outlining the institutional and legal framework.[41] The 2021 Mines and Minerals Development Act requires the disclosure of any owner with a 5% or greater interest in a company (Milestone 6 of this commitment).[42]

Opportunities, challenges and recommendations during implementation

The SLEITI Multi-Stakeholder Group benefits from refreshed civil society membership in 2020 and high-level political support from the Office of the Vice President.[43] The passage of the Mines and Minerals Development Act has established the legal foundation on which the disclosure of BO data in the mining sector can be pursued. As SLEITI and partners undertake this ambitious package of reforms, the Independent Reporting Mechanism (IRM) recommends the following for consideration:
- Inform the public on the proposed legislative changes in regard to process and content so the public can meaningfully participate in consultations on the drafted bills and amendments.
- Prioritise mandates and sanctions to ensure compliance. Sierra Leone should prioritise passing enabling legislation (Companies Act, Mining Act) with thresholds for disclosure and dissuasive sanctions for non-compliance.

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[36] SLEITI, *SLEITI MSG 2022 Open Data Policy*.

[37] EITI, landing page for Sierra Leone.

[38] SLEITI, *Validation of Sierra Leone: Final Assessment of Progress in Implementing the EITI Standard*, 21 September 2022, https://docs.google.com/viewer?url=http://www.sleiti.gov.sl/index.php/reports-and-documents/validation-reports/sleiti-2022-final-validation-assessment-report/download?p=1.

[39] IRM, *Sierra Leone Transitional Results Report*.

[40] Alexandra Readhead, *Beneficial Ownership Disclosure in Sierra Leone: A Legal and Institutional Review*, 13, https://eiti.org/sites/default/files/attachments/beneficial_ownership_disclosure_in_sierra_leone_a_legal_and_institutional_review.pdf.

[41] OGP, *Sierra Leone National Action Plan IV*.

[42] The Mines and Minerals Development Act of 2021, available at https://www.parliament.gov.sl/uploads/bill_files/THE%20MINES%20AND%20MINERALS%20DEVELOPMENT%20ACT,%202021.pdf.

[43] SLEITI, *Validation of Sierra Leone*.

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- Make BO transparency a precondition for licencing. The government could use BO disclosure as part of background checks when making licencing decisions.[44]
- Communicate the business case for BO disclosure to find private sector partners to advance reforms.[45]

Other Commitments

Other commitments that the IRM did not identify as promising commitments are discussed below. This review provides recommendations to contribute to the learning and implementation of these commitments.

Commitment 2 continues efforts to expand access to justice undertaken in previous action plans. To address a lack of fair and accessible formal justice processes, Sierra Leone seeks to strengthen informal justice services and access to community paralegals. This commitment is continued from the previous action plan, where changes to government staff, a lack of coordination among government agencies, and a lack of resources inhibited implementation.[46] This commitment holds a modest potential to increase the public's ability to hold the government to account through a more accessible justice system. However, the factors that inhibited implementation in the last action plan remain a concern. Moreover, the types of justice services this commitment seeks to strengthen will likely aim to settle disputes between citizens, rather than between citizens and their government.

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[44] Transparency International Australia, 'Changes to Sierra Leone's Mining Laws Are a Chance to Safeguard Responsible Investment', 22 March 2021, https://transparency.org.au/changes-to-sierra-leones-mining-could-safeguard-responsible-investment/.

[45] OGP, 'Company Beneficial Ownership', in *Broken Links: Open Data to Advance Accountability and Combat Corruption*, 2022, https://www.opengovpartnership.org/broken-links/#toc_7.

[46] OGP, *Sierra Leone National Action Plan IV*.

Section III. Methodology and IRM Indicators

The purpose of this review is not an evaluation as former IRM reports. It is intended as an independent quick technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. The promising commitments highlighted in this review by the IRM are either those which have the highest potential for results, or are a high priority for country stakeholders, or are a priority in the national open government context or are a combination of these factors.

To determine which reforms or commitments the IRM identifies as promising the IRM follows a filtering and clustering process:

> **Step 1:** determine what is reviewable and what is not based on the <u>verifiability</u> of the commitment as written in the action plan.
> **Step 2:** determine if the commitment has an <u>open government lens</u>. Is it relevant to OGP values?
> **Step 3:** Commitments that are verifiable and have an open government lens are reviewed to identify if certain commitment needs to be clustered. Commitments that have a common policy objective or commitments that contribute to the same reform or policy issue should be clustered and its "potential for results" should be reviewed as a whole. The clustering process is conducted by IRM staff, following the steps below:
> > a. Determine overarching themes. They may be as stated in the action plan or if the action plan is not already grouped by themes, IRM staff may use as reference the thematic tagging done by OGP.
> > b. Review objectives of commitments to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
> > c. Organize commitments by clusters as needed. Commitments may already be organized in the Action Plan under specific policy or government reforms or may be standalone and therefore not clustered.
>
> **Step 4:** assess the <u>potential for results</u> of the cluster or standalone commitment.

The filtering process is an internal process and data for individual commitments is available in Annex I below. In addition, during the internal review process of this product the IRM verifies the accuracy of findings and collects further input through peer review, the OGP Support Unit feedback as needed, interviews and validation with country-stakeholders, an external expert review and oversight by the IRM's International Experts Panel (IEP).

As described in the filtering process above, the IRM relies on **three key indicators** for this review:

I. Verifiability
- "Yes" Specific enough to review. As written in the action plan the objectives stated and actions proposed are sufficiently clear and includes objectively verifiable activities to assess implementation.

- "No": Not specific enough to review. As written in the action plan the objectives stated and proposed actions lack clarity and do not include explicit verifiable activities to assess implementation.

  *Commitments that are not verifiable will be considered "not reviewable", and further assessment will not be carried out.

II.   Does it have an open government lens? (Relevant)

This indicator determines if the commitment relates to open government values of transparency, civic participation or public accountability as defined by the Open Government Declaration, the OGP Articles of Governance and by responding to the guiding questions below. Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

- **Yes/No:** Does the commitment set out to make a policy area, institutions or decision-making process more transparent, participatory or accountable to the public?

The IRM uses the OGP Values as defined in the Articles of Governance. In addition, the following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:

- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation**: Will government create or improve opportunities, processes or mechanisms for the public to inform or influence decisions? Will the government create, enable or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association and peaceful protest?
- **Public Accountability**: Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable a legal, policy or institutional frameworks to foster accountability of public officials?

III.   Potential for results
Formerly known as the "potential impact" indicator, it was adjusted taking into account the feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, this indicator was modified so that in this first review it laid out the expected results and potential that would later be verified in the IRM Results Report, after implementation. Given the purpose of this Action Plan Review, the assessment of "potential for results" is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:
- **Unclear:** the commitment is aimed at continuing ongoing practices in line with existing legislation, requirements or policies without indication of the added value or enhanced open government approach in contrast with existing practice.

- **Modest:** a positive but standalone initiative or changes to process, practice or policies. Commitments that do not generate binding or institutionalized changes across government or institutions that govern a policy area. For example, tools like websites, or data release, training, pilot projects
- **Substantial:** a possible game changer to the rules of the game (or the creation of new ones), practices, policies or institutions that govern a policy area, public sector and/or relationship between citizens and state. The commitment generates binding and institutionalized changes across government

This review was prepared by the IRM in collaboration with Eva Maria Anyango Okoth and was externally expert reviewed by Andy McDevitt. The IRM methodology, quality of IRM products and review process is overseen by the IRM's International Experts Panel (IEP). For more information about the IRM refer to the **"About IRM" section of the OGP website** available [here](#).

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Annex 1. Commitment by Commitment Data[47]

Commitment 1: Open Parliament
- Verifiable: **Yes**
- Does it have an open government lens? **Yes**
- Potential for results: **Substantial**

Commitment 2: Access to Justice
- Verifiable: **Yes**
- Does it have an open government lens? **Yes**
- Potential for results: **Modest**

Commitment 3: Open Elections
- Verifiable: **Yes**
- Does it have an open government lens? **Yes**
- Potential for results: **Modest**

Commitment 4: Open Extractives/BO & Systematic Disclosure of Extractives Data
- Verifiable: **Yes**
- Does it have an open government lens? **Yes**
- Potential for results: **Substantial**

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[47] *Editorial notes:*
1. *For commitments that are clustered: the assessment of potential for results is conducted at the cluster level, rather than the individual commitments.*
2. *Commitment short titles may have been edited for brevity. For the complete text of commitments, please see [Country's] action plan: [Link to NAP]*

Annex 2: Minimum Requirements for Acting According to OGP Process[48]

According to OGP's Procedural Review Policy, during development of an action plan, OGP-participating countries must meet the 'Involve' level of public influence per IRM's assessment of the co-creation process.

To determine whether a country falls within the category of 'involve' on the spectrum, IRM assesses different elements from the OGP Participation and Co-Creation Standards. IRM will assess whether the country complied with the following aspects of the standards during the development of the action plan, which constitute the minimum threshold:

1. **A forum exists:** There is a forum to oversee the OGP process.
2. **The forum is multi-stakeholder:** Both government and civil society participate in it.
3. **Reasoned response:** The government or multi-stakeholder forum (MSF) documents or is able to demonstrate how they provided feedback during the co-creation process. This may include a summary of major categories and/or themes proposed for inclusion, amendment, or rejection.

The table below summarizes the IRM assessment of the three standards that apply for purposes of the procedural review. The purpose of this summary is to verify compliance with procedural review minimum requirements, and it is not a full assessment of performance under the OGP Participation and Co-Creation Standards. The Results Report will provide a full assessment of co-creation and participation throughout the OGP cycle.

Table 2. Summary of minimum requirements to act according to OGP process

OGP Standard	*Was the standard met?*
A forum exists. Sierra Leone has maintained an OGP Steering Committee since 2014, which it last reconstituted during the transition to the current administration.[49]	**Green**
The forum is multi-stakeholder. The MSF comprises a total of 18 members with an equal number of representatives from government and civil society.[50] Out of the 18 members, only 3 are women.	**Green**

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[48] On 24 November 2021 the OGP Steering Committee approved an update to the OGP Participation and Co-Creation Standards. The changes became effective on 1 January 2022 for any country co-creating in 2022 and onwards. OGP will assess countries that submit action plans for the 2021–2023 cycle with the previous version of the standards because their co-creation took place before OGP approved the changes.
[49] Hamida Jimmy (OGP point of contact for Sierra Leone), interview by IRM, 14 June 2022.
[50] See the list of members of the Steering Committee provided by Hamida Jimmy.

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Reasoned response. The government held two consultations and one final validation meeting over the course of the co-creation process. Reports on the meetings are available on the NaCCED OGP webpage.[51] Civil society representatives noted that the final action plan reflects their input.[52]	**Green**

The government used a combination of strategies to engage government agencies and the public during the development of the fourth action plan. OGP point of contact for Sierra Leone Hamida Jimmy noted that the government identified individuals from CSOs across the country and from ministries, departments, and agencies to engage throughout the co-creation process.[53] Hamida Jimmy,[54] Eleanor Thompson,[55] and Rev. Alusine Diamond Suma[56] observed that some of the recommendations and feedback from CSOs and other stakeholders fed into the final action plan. For instance, civil society proposed the inclusion of commitments on open parliament and access to justice. Three main consultation opportunities were held during the co-creation process:

1. The high-level stakeholder engagement meeting on OGP in Freetown on 3 June 2021[57]
2. Consultations with representatives from different CSOs and media houses in Freetown on 9 September 2021[58]
3. Validation meeting for the drafted action plan on 2 February 2022[59]

In addition to the consultation meetings, the government used radio, television, and social media to publicise the action plan and get feedback from citizens from different parts of the country. As the pandemic limited in-person meetings, the national OGP team collected citizen comments on the drafted action plan through call-in radio shows and social media. Steering Committee members also presented individual commitment drafts over the radio to explain commitments' design and objectives, such as Commitment 4 on open extractives.[60]

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[51] NaCCED, landing page for OGP, https://nacced.gov.sl/ogp/.
[52] Eleanor Thompson (Namati Sierra Leone, OGP Steering Committee), interview by IRM; Rev. Alusine Diamond Suma (Westminster Foundation for Democracy), interview by IRM, 21 June 2022.
[53] Jimmy, interview by IRM.
[54] Jimmy, interview by IRM.
[55] Thompson, interview by IRM.
[56] Diamond Suma, interview by IRM.
[57] See the OGP Report on High Level Stakeholders Engagement.
[58] See the Report on the OGP CSOs and the Media Engagement on the NAP 4 Development shared by Hamida Jimmy.
[59] See Minutes of the OGP Steering Committee Meeting Held on Wednesday, 2 February 2022.
[60] Jimmy, interview by IRM.

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