

# Mitigating the Impact of COVID-19 Responses on Governance and Accountability Processes in Sierra Leone

An Assessment of the impact of the Development  
Cooperation Framework (DCF) on NGO operations in Sierra  
Leone

Centre for Accountability and Rule of Law (CARL) in Collaboration with Institute of  
Governance Reform (IGR)

## **ACRONYMS AND LIST OF ABBREVIATIONS**

<b>APC</b>	All Peoples Congress
<b>CARL</b>	Centre for Accountability and Rule of Law
<b>CSO</b>	Civil Society Organisation
<b>DCF</b>	Development Cooperation Framework
<b>IGR</b>	Institute of Governance Reform
<b>INGO</b>	International Non-Governmental Organisation
<b>MDA</b>	Ministries Department and Agencies
<b>M &amp; E</b>	Monitoring and Evaluation
<b>MoPED</b>	Ministry of Planning and Economic Development
<b>MTNDP</b>	Medium-Term National Development Plan
<b>NGO</b>	Non-Governmental Organisation
<b>NNGO</b>	National Non-Governmental Organisation
<b>NPRC</b>	National Provisional Ruling Council (NPRC)
<b>SDG</b>	Sustainable Development Goals
<b>SLA</b>	Service Level Agreement
<b>SLPP</b>	Sierra Leone Peoples Party
<b>UN</b>	United Nations

## **EXECUTIVE SUMMARY**

The report presents an assessment of the impact of the Development Cooperation Framework (DCF) on NGOs and CSOs after two years of implementation by the Government of Sierra Leone through the Ministry of Planning and Economic Development (MoPED). It also discusses the implications of retaining the policy for NGOs/CSOs working in Sierra Leone.

The study is aimed at promoting civic space and creating an enabling environment for the work of NGOs in Sierra Leone. The specific objectives include, but are not limited to, providing an evidence-based assessment of impact of the DCF on NGO operations in general, as well as on service delivery in particular. It also discusses the key concerns of NGOs and CSOs regarding the DCF/NGO Policy. Ultimately, this study is about investigating whether there is need to proffer recommendations for a review of the DCF in order to make it more friendly, inclusive and responsive to the needs of NGOs and CSOs operating in Sierra Leone.

The assessment utilised a mixed research method of both quantitative and qualitative research techniques, jointly using questionnaire and interview guides as tools.

Twenty participants from MoPED, line/sector ministries, NGOs and CSOs at local and international levels as well as development partners selected through a non-random purposive sampling technique, participated in the study.

We are pleased to note that the challenges associated with the COVID-19 crisis were mitigated by strict adherence to protocol and no incident occurred that affected any of the research subjects or the researcher.

**The assessment disclosed the following findings:**

The Development Cooperation Framework is somewhat complex and many NGOs and CSOs are still struggling to understand their obligations under the policy, which perhaps reflects the lack of extensive consultative and participation in preparing the document. It is no surprise, therefore, that implementing it over the past two years has been characterized with so many challenges, including pushback from NGOs and civil society.

The study further revealed that the implementation of the policy, as challenging as it has been, helped MoPED to collect a near accurate statistic of the number of NGOs operating in the country as well as their activities and locations.

We also discovered that MOPED is keen on implementing the DCF, and has accordingly made some efforts to popularise the policy, train focal persons, institute technical review committees, monitor implementation and put in place enforcement mechanisms. From the point of view of MoPED, the implementation of the DCF helped them understand the operations of NGOs based on the clusters of the MTNDP, and has also helped them align NGO programmes with national priorities.

In addition, MOPED insists that there is now a transparency and accountability mechanism in place, which has largely helped them minimise the duplication of efforts by NGOs and has enabled MoPED to support and provide needed services, including duty waivers to NGOs.

MoPED, however, identified the following challenges in the implementation of the DCF:

- a. lack of full understanding of the DCF by NGOs;
- b. limited capacity of MoPED and line/sector ministries to implement the DCF;
- c. improper reporting by NGOs in line with the DCF reporting requirements;

d. and challenges in meeting the cost of implementing the DCF process

Whilst NGO leaders believe that transparency, accountability and coordination are critical to discharging their mandate, the study found that the DCF, based on its current text, hurts the NGO sector in so many ways and may undermine the partnership between non-state actors and the government in the delivery of services and development programmes.

CSO and NGO leaders are quite suspicious of the rationale for the DCF, and many believe that it is simply a tool to control and narrow the civic space in Sierra Leone. They also complain about the lack of understanding of the policy, its rigid requirements, and convoluted compliance procedures that generally cause huge and sometimes unnecessary delays. NGOs also complain that the DCF imposes high administrative and bureaucratic burden on them, thus adversely impacting on their capacity to deliver services to their target communities. A number of NGOs interviewed for this project reported that they missed out on some funding opportunities as result of the DCF's bureaucratic trappings, and delays in completing the registration and Service Level Agreement processes.

NGOs also expressed concerns about the poor or weak cooperation from line/sector ministries, especially during the process of concluding the SLA, absence of an effective participatory, accountability and redress mechanism for aggrieved NGOs.

The general observation from the study is that there is limited understanding of the DCF; MoPED has limited capacity to fully implement it; there is high bureaucracy involved; it encroaches on the rights and freedoms of organisations; has potential to weaken the desired partnership between the government and non-state actors but over and above all, service delivery to the people of Sierra Leone is affected by this policy.

The study concludes that after two years of implementing the DCF, the opposition and resistance of the NGOs and CSOs seems to have been

validated. The broad recommendation from the study is a resounding agreement from all sides for a review of the DCF in a way that better defines the relationship between the Government of Sierra Leone and the non-state actors.

## **ACKNOWLEDGEMENT**

The Centre for Accountability and Rule of Law is grateful to the Irish Embassy for its financial and technical support to this project. Beyond their financial support, they support us every step along the way. We appreciate the mission's genuine commitment and desire to enhance civic space in Sierra Leone

We are exceedingly grateful to o Mr. Momo F. Turay, the lead researcher for this study. His knowledge and experience working with NGOs and the Government of Sierra Leone made a huge difference. We the Ministry of Planning and Economic Development, especially its Director of NGO Affairs, Mr. Eric Massally and his team for their immense support and willingness to share useful material and information with the team. The MOPED staff did not only welcome the study, they also provided huge assistance, including by granting us access to official data.

We would also like to also extend our thanks and appreciation to all those who participated in the study, including representatives from international and national Non-Governmental organisations and civil society organisations. Their contributions were critical to the successful conclusion of this project.

# 1 BACKGROUND AND CONTEXT

## 1.1 EFFORTS BY THE GOVERNMENT OF SIERRA LEONE TO REGULATE AND BETTER DEFINE ITS RELATIONSHIP WITH NGO

There is no doubt that NGOs and development partners have provided huge resources over the years to support development programmes as well as to respond to emergencies caused by natural and man-made disaster, including the war, the Ebola crisis and Covid19 health crisis, among others. Despite the seemingly cooperative relationship between the government and non-state actors, several attempts have been made over the last two decades by the Government of Sierra Leone to define its relationship with non-state actors, especially the NGOs that undertake development programmes. The Government of Sierra Leone clearly understands or should understand the important role of non-state actors (NGOs and CSO) in addressing the country's development challenges, which is perhaps why it has over the years tried to not only regulate the activities of NGOs but to also ensure that the activities of NGOs are better aligned with the national development priorities.

In 1994, the National Provisional Ruling Council (NPRC) introduced a policy aimed at regulating or defining the role of NGOs in Sierra Leone. The democratically elected government of President Ahmad Tejan-Kabbah (of blessed memory), which was installed in 1996, pretty much retained the NGO policy that had been introduced by the military regime. In 2003, the Kabbah-led administration revised the policy, and a further review was done in 2009 by the Koroma-led administration. This resulted in the introduction of the Revised Non-Governmental Organizations Policy Regulations. There was an attempt in 2017 to review the 2009 policy with more restrictive clauses, but this attempt was fiercely resisted by NGOs and CSOs. The reaction or resistance of CSOs and NGOs delayed the adoption of the revised policy. In 2018, however, the Government of President Bio introduced the Development Cooperation Framework which largely retains provisions in the



2017 proposed version. It was no surprise, therefore, when in February, 2019 a coalition of NGOs and CSOs opposed the document in a joint communiqué highlighted that their key concerns. Among other things, the communiqué called for further engagement on the DCF with the view to revising it.

Despite the strong efforts of NGOs and CSOs to slow down the adoption of the policy until extensive and genuine consultations were done, the MoPED largely ignored their demands and presented the policy in Cabinet, which was adopted in December 2018. Predictably, NGOs and CSOs were unhappy with the decision of the Government and continued to mobilize and organise around the need to reverse it.

***The main arguments put forward by successive governments for a DCF/NGO Policy include, among other things:***

- To strengthen and establish a formal relationship between non-state actors (partners in development) and the government
- To promote transparency and accountability in the operations of NGOs whilst at the same time ensuring better coordination in the sector
- An NGO Policy could help grant NGOS access to certain services and privileges offered by the Government of Sierra Leone, including duty waivers for imported items, tax exemptions, etc.
- To align development programmes with government priorities in order to minimise duplication of efforts and make maximum utilisation of limited resources.

## **1.2 CIVIL SOCIETY/NGO RESISTANCE/OPPOSITION TO THE DCF/NGO POLICY**

The NGO/CSO community in Sierra Leone has always resisted attempts by the Government of Sierra Leone to unfairly restrict and narrow the space for non-state actors in the development and governance landscape. The various strategies used by CSOs/NGOs to push back on undue government control

and restrictions include, but not limited to, direct engagement with state actors/policy makers through meetings; media and community outreach; research and publication; opportunistic advocacy with international delegations and commemorations, and lobbying parliamentarians. In recent times, for example, the Sierra Leonean NGO/CSO community requested the intervention of the international community, including the United Nations Special Rapporteur on Freedom of Freedom of Association, to help persuade the Government of Sierra Leone to revise the DCF and make it more friendly and amenable to the work of CSOs/NGOs. In addition, the Sierra Leone INGO Steering Committee Working Group<sup>1</sup> in collaboration with some civil society organisations in 2019 did an analysis of the DCF and highlighted key areas of concerns. They urged further engagement with the view of reviewing the document for a more friendly and healthy space for NGOs.

### **1.3 KEY CONCERNS OF NGOS/CSOS ABOUT THE DEVELOPMENT COOPERATION FRAMEWORK**

Whilst NGOs/CSOs understand and accept the need for coordination, transparency and accountability in the NGO sector, they have raised serious concerns about the current text of the DCF. Many have described the DCF as a tool of the Government of Sierra Leone to unduly control NGOs, narrow the civic space, and potentially silence dissenting voices. They note that the policy's onerous registration requirements, including the amount of resources, infringe on citizens' right to freedom of association. Furthermore, some NGO actors believe the government is unwittingly using the DCF to put a wedge between local and international NGOs, whilst at the time seeking to unfairly regulate the sector. This could lead to the fragmentation of local NGOs/CSOs and the international NGOs. The objective, they argue, is to ensure that once a division is created between them, they can no longer work together to address common challenges confronting them and the space.

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<sup>1</sup> Updated NNGO & INGO Analysis of the Cabinet Approved Development Cooperation Framework in S/Leone

NGOS are also very concerned about an article in the DCF that requires them to align their programmes with government priorities. They consider this as an attack on their independence, which could undermine their ability to innovate and identify new or under-served areas or other development priorities. Whilst NGO leaders see the need to compliment the government's national development priorities, they believe that NGOs should be granted some flexibility to be led by their own research and institutional priorities in determining the scope of their programmes and intervention areas based on the needs of their target beneficiaries. In essence, they would prefer to align their programmes with national development priorities by choice – rather than by the dictate of government. NGOs argue that it is not a very sound idea to require them to align their programmes with government priorities because whilst government's priorities are defined by many considerations (including political/electoral advantages), NGOs design or adopt their own priorities having regard to the needs of the specific populations they target. Moreover, whenever there is a change of government, the new administration invariably presents a set of new priorities with little consideration for existing priorities. Unless that clause is amended, it would require NGOs to immediately shift from their on-going projects to the priorities of the new administration.

NGOs also question the requirement for a compulsory signing of the Service Level Agreement (SLA) for registration. This is simply forcing non-state actors to go into a contract with the Government. It appears like an additional registration requirement or an operational barrier, which not only slows down their work but also undermines their independence. The process of signing the SLA becomes even more complicated, at least for the NGO, if its proposed programmes do not necessarily align with the government's priorities or some of their advocacy initiatives appear to be either critical of government or inconsistent with government's position on a certain issue. The relevant line ministries also make the process of signing the SLA and registration/re-registration unnecessarily arduous for NGOs. In the end, it becomes a matter of meeting the specific demands of the responsible person or official rather than meet a set of objectively identifiable criteria.

Civil society actors were particularly concerned about the human rights implications of some of the articles in the policy, including the barriers to registration and operation as well as the attempt by government to annex NGOs and civil society to the machinery of government. They view the policy with suspicion and mistrust, noting that it could be used as a tool to control and silence CSOs/NGOs believed to be critical of government.

#### **1.4 THE ASSIGNMENT**

This assignment is commissioned by the Centre for Accountability and Rule of Law (CARL) in partnership with Institute of Governance Reform (IGR), thanks to funding from the Irish Embassy. It is implemented as part of the “Mitigating the Impact of COVID-19 Responses on Governance and Accountability Processes in Sierra Leone” Project.

##### **1.4.1 Objective of the study**

The objectives of the project include, among other things, enhancing civic space and improving human rights protection during Covid19 response in Sierra Leone. The specific objective of this assignment is to undertake a study and assess the impact, if any, of the Development Cooperation Framework/NGO Policy on the work of NGOs and human rights defenders. The report will serve as a basis for engaging the Ministry of Planning and Economic Development (MoPED) and other actors as part of a collective effort to review the DCF/NGO Policy two years since its implementation commenced.

It also seeks to understand why NGOs/CSOs are opposed to the DCF/NGO Policy, and proffer recommendations on the aspects of the policy that need to be revised.

## 2 METHODOLOGY AND APPROACH

The study adopted mixed research methods, but with a lot more focus on qualitative rather than quantitative approach. The process started with a detailed desk review as the review also sought to gain deeper insights into the operations of NGOs and their contributions to national development. Another aspect of it focused on defining the relationship between the DCF, NGOs and development partners. In addition, we also covered the efforts of CSOs and NGOs over the last two years to influence a review of the policy. The questionnaire and interview guide were significantly influenced by the outcome of the desk review. Field work for data collection started in December 2021 and ended in late March 2022.

The interviews (face-to-face, telephone and email responses) looked into how the policy was developed, MoPED's rationale for the DCF, the benefits of the policy from the point of view of MoPED, challenges associated with implementation, and recommendations for reforms.

On the part of the NGOs and CSOs, we sought their knowledge and perception about the DCF, concerns about the policy, the impact of the DCF on their operations as well as implications for beneficiaries. We also sought to learn from NGO/CSO leaders the benefits/advantages of the DCF, if any, and recommendations for reform. We have annexed to this report the interview guide for all categories of participants. The interviews were backed by a focus group discussion and in-depth interviews with experts for triangulation.

A non-random purposive sampling technique targeted about twenty-five participants for the interviews, including MoPED and line/sector ministries, International NGOs, local/national NGOs and CSOs, as well as development partners and subject matter experts. See table below for details. A total of twenty respondents participated in the study.

No	Category of respondents and participants	Number
1	MoPED & Line/Sector Ministry	4
2	International NGO	5
3	National NGO & CSO	8
4	Others (key informants & experts)	3
	<b>Total</b>	<b>20</b>

The interviews lasted between 30 and 45 minutes per session for face-to-face interviews, but telephone interviews were much shorter - about twenty-five minutes for each participant. It took on average about two days to receive email responses.

The responses from the interviews were analysed in such a way that their inherent contextual character remains undisturbed which were categorized by themes. The voices and experiences from the respondents were organised to form the bulk of the empirical evidence. Integrating secondary data sources into a comparative analytical framework within the primary data allowed consolidation of lived experiences, share knowledge across different actors in the implementation of the DCF and in turn develop a strong evidence base in line with the objectives of the study (review of the DCF).

The findings are presented as such.

## 2.1 ETHICAL CONSIDERATION

Throughout the conduct of the study, high ethical considerations including confidentiality, strict adherence to anonymity where demanded, and 'do no harm' were all put in place for the study. The integrity and other sensitive issues were discussed and consent granted before the commencements of the interviews.

## 2.2 CHALLENGES:

The COVID-19 crisis presented a unique set of challenges for a social research project of this nature. We also started the study during the festive season when most international NGOs were preparing for holidays. The

mitigation strategies included strict adherence to the COVID-19 protocols, alternative means of communication (included emails and phone calls), regular follow-up calls and visits, etc.

Despite these challenges, the data is sufficient to support the findings and can be accordingly relied upon for the purposes of the study.

### **3. KEY FINDINGS**

#### **2.3 THE CONSTRUCT AND STRUCTURE OF THE DCF**

In developing the DCF, MOPED says it revised the 2009 NGO Policy and other related documents, including the Sierra Leone Aid Policy. It also drew lessons from recent developments globally and consulted development partners, NGOs and CSOs. The process led to the development the compact document called the “Development Cooperation Framework (DCF)”, which describes and prescribes the relationship between the Government of Sierra Leone and development partners (INGOs inclusive). Efforts to address the suspicions, fears and lack of trust between the NGOs and the government paid some dividend but did not entirely resolve them. The DCF was approved by the cabinet of Sierra Leone in December 2018. The compact nature (combining donors and NGOs policy) caused a bit of confusion. The first part-Articles 1-4 talks about international development partners, commonly referred to as donors, whilst Article 5 particularly focuses on national and international NGOs policy regulations. The DCF focuses largely on NGOs that deliver development services and less on organisations that are concerned with human rights and advocacy for civil and political rights.

#### **2.4 EFFORTS TO IMPLEMENT THE DEVELOPMENT COOPERATION FRAMEWORK**

Since the implementation of the DCF commenced in January 2020, MOPED says it has concluded the following activities:

- It has endeavoured to popularize the DCF at national and district levels with partners and key stakeholders. It has disseminated the policy to MDAs, local councils and has issued a copy of the document to every registered NGO.
- MOPED has trained NGO focal persons of various sector ministries on the process and nature of Service Level Agreement (SLA).
- MoPED has established technical Review Committees in the sector ministries with the mandate to review and approve the SLAs for NGO projects before the implementation of projects.
- MoPED says it has established an enforcement mechanism, which requires NGOs to complete and sign Service Level Agreements with the respective line ministries for their proposed projects as a key requirement for registration.
- MoPED has put in place a monitoring mechanism that ensures periodic monitoring and evaluation of the work of NGOs. Quarterly meetings with partners are also organised to identify progress and challenges associated with their efforts.

#### **2.5 DOES MOPED FIND THE DCF USEFUL?**

MOPED argues that the DCF has helped the government in many ways, including by providing:

- A. Better knowledge of the number of NGOs and the scope of their activities in the country.
- B. Through the DCF's registration requirements, MoPED says it is now able to obtain accurate data on the number of registered NGOs and their activities in the country.



The Table below gives the number of NGOs registered by MoPED from 2018 to 2021 in the various categories.

Year/Cycle	Registration	NGO	
2018-2019	Category	National	International
	New	22	9
	Renewal	175	76
2020-2021	Category	National	International
	New	158	13
	Renewal	197	86
Source: MoPED- NGO Affairs Directorate Records Dec 2021			

This data in more detail form has been published in the gazette. MoPED says that the implementation of the DCF has helped with better coordination of development interventions in the country, and that those interventions are now better planned to make direct and meaningful impact on those who really need it.

Additionally, MoPED believes that the DCF has enhanced accountability in the implementation of aid/development projects managed by NGOs

C. Better alignment of NGO intervention with government’s priorities. MoPED is convinced that most projects and programmes of NGOs collectively support the national priorities of the Government of Sierra Leone as captured in the Medium-Term national Development Plan 2019-2023.

D. MoPED is now better organised and able to respond to the needs of registered NGOs in Sierra Leone. MoPED can now easily recommend organisations eligible to derive certain services and benefits, including duty waivers.

E. Once registration is completed, MoPED says it has put in place a system that allows NGOs to operate freely and is now more

transparent and accountable to the government and beneficiaries in the delivery of services.

F. According to MoPED, there is reduced risk of duplication of efforts in the delivery of development programmes and services.

## **2.6 CHALLENGES ASSOCIATED WITH THE IMPLEMENTATION OF THE DCF**

MOPED has identified the following as challenges in the implementation of the Development Cooperation Framework:

### **2.6.1 Limited Understanding of the DCF by NGOs**

According to MoPED, many NGOs have still not grasped the key provisions of the DCF, amidst complaints that the policy and the registration and the Service Level Agreement processes are complex and time-consuming.

### **2.6.2 Limited Capacity to Implement the DCF**

MoPED admits that its capacity to implement the DCF is limited, especially in terms of reviewing all the reports filed by NGOs as well as ensuring that they comply with all the obligations. MOPED faces serious limitations in terms of funding, staffing and other resources to effectively respond to the demands of the DCF.

### **2.6.3 Poor compliance with reporting requirements by NGOs**

Whilst there is progress in the number and frequency of reports submitted by NGOs to MoPED, it has been observed that all the reports are submitted based on the reporting format of the donors rather than the one developed by MoPED.

### **2.6.4 Reporting by NGOs**

Another key challenge is that reports sent to MoPED by NGOs are based on the reporting format approved by their donors rather than the one provided by MoPED. If they choose to comply with MoPED's format, it would mean additional work for them.

### **2.6.5 The DCF looks costly/expensive for NGOs**

In addition to the arbitrary prescription that NGOs can only spend 30% of their funds on indirect costs, NGOs have also reported that the DCF imposes additional financial burden on them. The fee for registration with SLANGO, for example, is higher than that paid to MoPED. NGOs are also forced to register with a fee (between \$30 and \$50 USD) with district councils in any district that they operate.

## 2.6.6 Communication

There is communication gap between and across Government and the NGO community. The coordination platforms recently established by the Directorate of NGO affairs are mostly constrained by communication challenges including flow and timely dispatch of messages.

## 2.7 PERSPECTIVES OF NGOS & CSOS REGARDING THE DCF

### 2.7.1 Limited Knowledge and understanding of the DCF

Consistent with the observations of the MoPED, most of the NGO representatives who participated in this study said they still struggle to fully understand and comply with the DCF.

“My organisation has been going back and forth to Ministry of Gender and Children’s Affairs to get our SLA sorted. We are not guided properly by the officer in charge as he struggles to explain but just keep telling us that our form is not properly filled. This is just too much for us”. **A frustrated NNGO staff**

Specifically, their experiences with the DCF are as follows:

- a. Filling out the forms developed by MoPED is a complex process, especially in terms of defining and determining the 70% direct cost versus the 30% administrative or indirect costs. Beyond the challenges associated with definition or determination, it imposes significant restrictions on NGOs and deprives them of the flexibility required to deliver development services. It is even more complex when such a determination has to be made for advocacy or soft projects.

“When I took our forms to Ministry of Gender and Children’s Affairs’, the focal person said I should go to MoPED and returning to MoPED I was told it is the line/sector ministry that should handle that aspect of the form. It took us a month to finally get the issues sorted. The executing agencies should have been well prepared by having full understanding of the process before putting the DCF into force”. **(NNGO Project Officer)**

- b. **The Financial Cost of Complying with the DCF is huge for NGOs:** Most NGOs interviewed for this study complained that strict compliance with the DCF has huge financial implications for their organisations. For example, the requirement to dedicate 70% of their budget to direct costs and 30% to indirect costs limits their ability to deliver services in an effective manner. Most NGOs recommend, among other things, that indirect or administrative cost be increased to 40% or be left to the donors and NGOs to determine it based on the context and the nature of the projects.

#### 2.7.1.1 Higher registration fee for SLANGO as well

NGOs further complain that the fee for registration with SLANGO is higher than the actual registration fee paid to MoPED. Whilst registration with SLANGO is not mandatory, the DCF emphasizes that registration with SLANGO is an added advantage. This is perhaps the reason many NGOs feel compelled to register with SLANGO. In addition to the fees paid to MoPED and SLANGO, NGOs are also required or expected to register with the councils in the district/s they operate for a fee of about \$50. Whilst this may appear to be minimal, it adds up to the many layers of registration and operational burden on NGOs.

#### 2.7.2 Weak communication exist between players

- c. **Weak Communication Channels between NGOs and Government actors:** The study further disclosed that there seems to be communication gap between line ministries and the NGO community. Whilst a coordination platform has been recently established by the Directorate of NGO affairs, there still appears to be limited and timely dispatch of information between them. This has sometimes led to delays in the delivery of services

### 2.8 WHY DO NGOs AND CSOs WANT AN URGENT REVIEW OF THE DCF?

In addition to challenges identified above, NGOs also catalogued a set of concerns that inform their clarion call for a review of the DCF. Among others, they complain that:

- i. Whilst they acknowledge the need for transparency and accountability in the sector, they are not convinced that the DCF is an effective tool or document for achieving that. In fact, many believe that it is simply part of a ploy of the Government to unfairly regulate the operations of NGOs and by extension, CSOs, but even more worryingly, to constrict civic space. This suspicion is particularly heightened by the lack of an inclusive and

participatory process in revising the 2017 version of the policy that was ultimately adopted in 2018.

“People should be free to do what they want to do for their common good and not be coerced by Government. The dictates of the DCF have fundamental human right issue as well as against Sierra Leone’s international obligations”. **Head of a lead CSO in Sierra Leone**

- ii. NGOs also believe that the DCF creates an unjustified power imbalance between NGOs and the Government, especially with respect to the composition of the committees responsible for dealing with complaints or appeals filed by NGOs against decisions made by or NGO-related processes managed MoPED. They argue that NGOs need to be fairly represented on the grievance resolution body, and that they should play a significant role in addressing complaints filed by NGOs.

“We fill the gaps government leave behind and dare to the hard-to-reach areas as well as politically sensitive issues. Restricting us to the national priorities carved by government will leave those areas and issues unattended. The UN SDG 2030 says we should leave no one behind”. **(Lead NGO programme officer)**

- iii. Additionally, NGOs are concerned that there does not seem to be a clearly defined complaint mechanism to file reports relating to the NGO registration/operationalization process, especially with respect to delays or deadlock in the process of signing SLAs. This lack of oversight of the SLA process means that NGOs are essentially at the mercy of officials of line/sector ministries.

“Our organisation paid for the MoPED NGO registration form at the bank, we filled the form and submitted to the line ministry. It took me 3 months to get it signed and that delay caused us to missed out on a funding possibility because somebody did not do their work. But the DCF does not define who should take responsibility and be held accountable for such negligence”-**NNGO Executive Director.**

- iv. NGOs further complain that the DCF imposes additional administrative burden in that it requires them to deal with the sometimes complex and unnecessary bureaucracy of line/sector ministries. For example, NGOs have to do several layers of registration, including by first completing registration with MoPED and in many cases, with SLANGO as well, and

signing a Service Level Agreement with government departments. The process of seeking an approval of the SLA is time-consuming and not always straight forward, which invariably takes up much needed staff time. Additionally, there is no fixed period or a deadline for the completion of the SLA process, and delays associated with the process invariably affect project implementation and deadlines or implementation timelines agreed with donors. Failure to meet deadlines or timelines undermines the credibility of NGOs with donors, limits their ability to raise funds, and significantly derails service delivery. Some of the respondents believe that line ministries and departments sometimes deliberately slow down the process and unnecessarily when they embark on fault finding rather than assisting NGOs to complete the process. This has sometimes led to the late or non-completion of the process, and several complaints in this regard have been filed with MOPED on a number of occasions.

## 2.9 IMPACT OF DCF ON DELIVERY OF SERVICES BY NGOS

Whilst there is need to ensure transparency and accountability in the delivery of aid programmes, the DCF and the way certain aspects of it are implemented may undermine its genuine essence. As a result of the challenges identified above, NGOs note that the DCF and its implementation gaps have adversely affected their operations and somewhat undermined the relevance of the DCF in a number of ways:

- a. First, the delays that sometimes characterize the registration process means that NGOs get to miss out on some funding opportunities, which invariably affects the capacity of NGOs to serve as many communities as they would like.

“My organisation missed out on a submission deadline because when I submitted documents to the line ministry (MoSW), it never got processed and therefore missed the funding cycle. It was for a project that should have empowered widows with sustained livelihood but they will now continue to endure hardship with less opportunities for them and their dependants in the foreseeable future”. **NNGO programmes officer.**

- b. Unavailability or inadequate data: Since the process of signing the SLAs is generally characterized by delays – and in some cases not concluded at all – which deprives the government an opportunity to accurately record and analyse data on the total volume of projects implemented in the country. Whilst sector/line ministries are delaying with the SLA process, implementation would have commenced and the government will have limited or no opportunity to capture data generated by the project. This is largely the case because the NGOs have to meet donor deadlines and timelines.

“MoPED is aware of delays in the processing of SLAs by some line/sector ministries which ultimately affects our ability to analyse and process information in time for decision making”. **MoPED staff**

- c. Whilst the NGO Directorate is making efforts to foster a healthy relationship between MoPED/the government and NGOs, the relationship does not seem to be very healthy at the moment. NGO leaders seem to be generally frustrated with the slow pace with which things are done by line ministries as they are often required to “chase papers or the signatures of directors or sector heads” to commence or continue their operations. This obviously takes a huge chunk of staff time and leaves them with limited time to focus on more substantive issues. The result is that there is now a rising level of mistrust and tension between NGOs and line ministries.

“Precious time of our staff which could have been spent on our operations was wasted for four good months on these movements to get the focal persons facilitate our SLAs. We are very suspicious of the way these focal persons have been delaying us the processing of these documents. Some of their overtures and utterances during our interactions are worrying”. **(Head of NNGO in Bo)**

- d. The longwinded and bureaucratic nature of the registration processes, especially as it relates to the SLA, is susceptible to abuse and may provide an opportunity for sector heads or managers to make unfair and even illegal demands from NGOs. The policy or its application confers discretion on heads of line ministries/directorates to approve SLAs based on some negotiated outcome rather than what is stipulated in the DCF.

For example, whilst NGOs are required to operate in no more than two clusters, MoPED/sector ministries can grant leave or permission to NGOs to cover more than one cluster.

“My organisation has been going back and forth to Ministry of Gender and Children’s Affairs to get our SLA sorted. We are not guided properly by the officer in charge as he struggles to explain but just keep telling us that our form is not properly filled. This is just too much for us”.

**-A frustrated NNGO staff**

- e. The rigid application of the 70%-30% allocation of funds between direct and indirect costs limits the ability of NGOs to expand their service and even employ additional staff. This has affected the capacity of NGOs to effectively deliver services due to low staffing levels just as it has had negative impact on efforts to address unemployment in the country. Related to this is the fact that the 30%-70% distribution hardly allows the salary band to expand, thereby making it almost impossible for NGOs to either hire or retain highly qualified and competent staff. Strangely, there is no such restriction on government departments, which means that they can easily poach many competent staff from NGOs. The revised government policy on Daily Sustenance Allowance (DSA) and per diem is also concerning for many NGOs. Given the ever increasing rent for offices spaces in Freetown, many NGOs also struggle to pay rent for offices as a result of the 30%-70% distribution.

“We are seriously struggling to operate normally within the 30:70 ratio because the cost of rent for example is very high and unstable. Rent cost for office space most times takes a huge chunk of our budgets. Office space is also part of registration requirement in the DCF. Let there be flexibility to allow NGOs have office rent, vehicles and other capital expenditure adjusted as this rigidity in the DCF will hamper our operation”. **(National NGO Executive Director)**



3. The Table below presents a matrix of the key concerns relating to the DCF expressed by NGO and CSO leaders interviewed as part of this study

<b>Identified concerns of NGO &amp; CSO re the 2019 DCF</b>			
<b>DCF reference</b>	<b>Concerns of NGS about the DCF</b>	<b>Implications of the DCF for NGOs</b>	<b>Recommendations</b>
Generic	The DCF and NGO regulatory framework are fused	Causes confusion for NGOs, as it ignores the recommendations of UN Special Rapporteur on Freedom of Association	Separate the DCF from the NGO regulations/policy
Article 2 (vi)	All assistance channelled through NGOs must be aligned with the national development priorities and should be properly coordinated	Restrictive; limits innovation and the freedom to pursue needs of target beneficiaries as well as ability of especially CSOs who receive support from INGOs to challenge government initiatives	Review the DCF to allow flexibility for NGO interventions to cover development needs not covered in the MTNDP
Article 5.2.1 (ii)	Limits NGOs to implement projects in only 2 clusters or sectors (Health and Education, for example)	Denies NGOs with capacity and resources to expand programmes and address development needs in other areas	Review to allow expansion to more than two clusters
Article 5.2.1 (iv) and (vi)	Onerous requirement that NGOs must have an identifiable office space with at least 4 staff members (full/part time) in order to register	It constitutes a potential violation of citizens' right to freedom of association as it may limit the ability of persons with limited resources to start an organisation	Revisit to allow citizens' groups to register as NGOs, regardless of the amount of resources available to them.
Article 5.2.1 viii) and ix)	NGOs are required to provide a summary of overheads/direct support to beneficiaries, local/expatriate staff costs and estimated quantifiable costs of GOSL/community contributions to programmes	Lack of clarity in this requirement; level and details of information is very high; Increased bureaucratic and reporting obligations on NGOs	Review to streamline and minimise bureaucratic burden on all parties, including GoSL/MOPED staff
Article 5.2.4	NGOs sign Service Level Agreements (SLAs) with their respective sector Ministries before they can commence operations	Compels NGOs enter contracts that often impose unhelpful restrictions on them	Review to allow for flexibility and options.

Section 5.3	Burdensome registration guidelines/requirement - new registration (article 5.3.2), renewal of registration (article 5.3.3), project registration (section 5.5), funding (article 5.7.1), taxation and financial obligations (sections 5.9 and 5.10), and staffing and human resources (section 5.11),	Onerous registration and operational procedures and requirements	Review to make registration one-off or less cumbersome
Article 5.3.1 Preamble	DCF gives MOPED the discretion to allow NGOs to work across more than two clusters	This is susceptible to abuse as there are no objective criteria that NGOs must satisfy to benefit from such waiver or permission	Review to allow NGOs to operate in as many clusters as they can. Alternatively, provide an objective set of criteria that NGOs must meet to be able to work across several clusters or sectors
Article 5.3.3	Rigid and onerous registration renewal process	Fraught with bureaucracy, allows for arbitrariness in approving renewal, among others	Review to make the registration renewal process less cumbersome and time-consuming. Renewal should be as of right
Article 5.3.3 ii a)	Registration renewal requires NGOs to submit summary of final narrative and financial reports of donor projects	Excessive reporting obligations	Review to allow renewal as of right, unless there is evidence is fraud or criminal conduct by the NGO
Article 5.3.3 ii b)	registration renewal requires annual audits carried out by either the Audit Service Sierra Leone or reputable firm.	Some or many NGOs struggle to conduct annual audits	Review to allow for bi-annual audited financial statements for the purposes of registration renewal or as recommended above, renewal should be as of right

Article 5.3.3 ii c)	registration renewal requires evidence/concurrence from the relevant Sector ministries demonstrating that the NGO's activities are aligned with the Sector programme(s) and follow any Sector specific requirement that is enforced during the preceding year	Nature of evidence, who determines it, and whether it can be challenged, is not clear. Makes sector ministries extremely powerful and perhaps more relevant to the process of registration than necessary	Review to remove this clause and allow a very flexible, an as-of-right renewal process
Article 5.3.3 (ii) (d)	Membership of SLANGO an added advantage for re-registration.	If registration with SLANGO is not mandatory, there should be no extra advantage to registering with it. It puts unnecessary burden on NGOs to register with it, especially when the policy creates no accountability standards for SLANGO	Review and clearly state that registration with SLANGO is optional.
Article 5.3.3 (ii) (e)	Renewal of registration requires submission of a list of assets acquired in the past two years and evidence of surrendering assets to the line ministry or MoPED for projects completed.	This requirement may conflict with agreements signed with donors, as such agreements often require NGOs to account for or return the assets to the donors or hand them to beneficiary communities	Review the clause to allow NGOs to dispose of assets based on their agreements with donors, including by handing such assets to beneficiary communities
Article 5.4.1	at least 70% of all donor funds to an NGO must be directed to target beneficiaries and 30% towards administrative costs, including consultancies.	Rigid and requires complex calculations sometimes undermine the overall health of the project	With the understanding that NGOs are here to help in good faith, review to allow NGOs to make that determination based on the context and type of project
Article 5.4.2	The principle of beneficiary participation in the formulation of projects...this must be demonstrated through submitted programmes/projects.	Means of verification or standard of proof is unclear. What is more, not every project requires beneficiary participation in the development of the proposal	Review to define standard of proof or means of verification, but more importantly, note that not every project proposal requires beneficiary

			participation. Examples include law reform advocacy projects
Article 5.4.5	NGOs must share their development plans with Sector Ministries and inform Local Councils before operating in any locality. Councils shall issue an acknowledgement & certificate for a fee of Le 50,000)	Added administrative and bureaucratic burden on NGOs; this hasn't been managed well and has on occasions led to disagreement between NGOs and councils.	Review to ensure that registration with MoPED is sufficient for NGOs to operate and sharing their plans with council should be a matter of best practice rather than as an obligation.
Section 5.5, Article 5.1	every project formulated by an NGO for eventual implementation in Sierra Leone must be submitted to the relevant Sector Ministry and MoPED.	At what stage should the information be shared? Before or after approval? And what's the need of sharing the project when it is going to be shared as part of the SLA framework?	Review to remove the requirement
Section 5.5, Article 5.3	For emergencies, project registration obligation may be waived before commencement of operations on request by an NGO to MoPED through Sector Ministry but after 14 days must inform MoPED, line ministries and Local councils of resources used	Additional reporting obligation, especially for an emergency response project	Review to allow for more time preferably after a year, to submit initial report.
Section 5.6.1	MoPED and Sector ministries need to ensure that NGOs submit annual reports for projects/programmes implemented	Whilst it is possible to submit reports, does MoPED have the capacity to read/review all the reports and act on them? Or will they be randomly reviewing reports	Review to insert other modes of tracking project implementation as well as a way of holding MoPED to account for its usage of the report
Section 5.6.1	MoPED and Sector ministries can conduct field visits after one week's notice to relevant NGO prior to the visitation	Too short a notice to allow for planning and assignment of staff and to arrange beneficiary community participation. Additionally, it is unclear how many	Review to increase the period of notice so that NGOs can better plan and involve beneficiary

		times a visit can be made and who will bear the cost	communities
Section 5.6.4	NGOs shall provide MoPED with a list of all their funded programmes and the amounts provided to NGOs operating in each Ministry's sector.	Too many demands on the time of NGOs. A single annual report should contain all that information.	Review to remove this requirement and instead require this information to be included in the annual report
Article 5.7.2	NGOs must provide details of all funds committed by donors:  disclosure- amount committed, sources of funding, and any details of instalment arrangements or other donor requirements	Unclear whether this information should be provided separately or should be included in the annual or periodic reports	Review to indicate that this information should be included in the annual report or in the SLA Agreement
Article 5.7.4	NGOs shall manage programme assets in line with their agreements with donors and programmes funded by partner governments or organizations	Conflicts with Article 5.3.3 (ii) (e)	Review Article 5.3.3 (ii) (e) to ensure that it is in line with Article 5.7.4
Article 5.9.1	NGOs to pay funds into an Escrow Account for duty waiver which can be refunded	Once funds are paid into the escrow account, it usually takes a long time to recover it, which may affect the annual programmes of the organisation	Review to ensure that there is a system that vets all requests for duty waivers. The requirement that NGOs pay custom duties into an Escrow account and seek reimbursement afterwards may delay clearing of goods for NGOs that cannot raise funds to make such payments
Article 5.11.4 and Article	NGOs must have at least 30% of senior management staff with adequate authority	Prescription may appear like an interference in the internal governance of	Redraft and state it as a recommendation so that NGOs

5.11.6 and 5.11.7	should be Sierra Leoneans	the NGOs	are given the freedom to recruit, having regard to the need to ensure that Sierra Leoneans should be given a chance to play a critical role in the management of the organisations
Article 5.12.5	It prescribes presentation and reporting format for NGOs	Requires too much detail, and may take huge amount of time to complete, in addition to all the reports that NGOs must file with donors	Review to ensure a participatory process of developing the template as well as ensuring that only very useful information is requested
Article 5.13.1	The Grievance Redress Committee has no NGO representative. SLANGO cannot be deemed to be a representative of NGOs as not every NGO is registered with SLANGO	Without a representative or representatives of NGOs, NGOs are not sure that it is set up to ensure a fair resolution of grievances	Review to include NGO (local & international) representation in the committee
Article 5.13.3	Composition of the Independent Appeal Panel	How are the members of the INGO and NNGO selected?	Review to stipulate a selection procedure for NGO reps
Article 5.14.7	NGOs have 30 days to appeal against any sanctions	It is too rigid; should make room for flexibility to allow for appeal out of time	Review to consider The African Charter on Human and Peoples' Rights and the ICCPR establish the principles



### 3 GENERAL OBSERVATIONS AND DISCUSSION OF FINDINGS

MoPED has argued that the DCF is needed for the purposes of alignment, minimising duplication of efforts, better coordination of the interventions of NGOs, and to enhance accountability and transparency. Whilst there is need for better coordination and improved delivery of services by NGOs, the DCF has created a number of challenges for NGOs, including:

#### 3.1 DCF COULD SHRINK THE SPACE FOR CIVIC PARTICIPATION

The full participation of the citizens in the administration of their country, as guaranteed by the 1991 Constitution of Sierra Leone, could be hampered by especially the registration requirements in the DCF. Imposing stringent and multiple layers of registration coupled with the requirement that NGOs must enter into Service Level Agreement (SLA) with line/sector ministries can only undermine the full participation of citizens in development processes. In other words, where citizens groups intending to deliver services as NGOs, cannot meet those entry and operational requirements, their role will be hugely limited.

“The DCF policy is one I cannot cope with. The Registration process, signing of the service level agreement, having an office space with certain number of staff and the other requirements are just too much for ordinary Sierra Leoneans”. **CSO activist, Freetown**

#### 3.2 DCF EMPOWERS STATE ACTORS TO WIELD EXCESSIVE CONTROL OVER NON-STATE ACTORS

The DCF makes a number of provisions that allow the Government of Sierra Leone to essentially control the activities of non-state actors. The DCF requires non-state actors to align their programmes with the priorities of the government, declare and disclose their levels and sources of funding, and enter into contractual agreement with government through the SLA. The implementation of the DCF has seen line and sector ministries dictate the pace of the work of NGOs and even somewhat determine what they can do and where. NGOs are traditionally believed to be guided by the evidence regarding the felt needs of the target beneficiaries. That is no longer the case.

DCF also requires non-state actors to be audited by Audit Service Sierra Leone. NGOs, per donor requirement, are already being audited by independent auditing firms. The requirement for the national audit body to



audit the accounts of NGOs raises two key issues: first, at whose cost? NGOs cannot fund two separate financial audits. Second, is it even possible for the national audit body to audit the financial statements of all NGOs? Without the capacity to do so, there is a risk that certain NGOs will be targeted for such auditing not necessarily for the purposes of institutional strengthening but as means to either embarrass or intimidate them.

“To register they tell you-go and pay money at the bank; take the receipt to NRA; come with the form in the afternoon; see me after a week; the form is not ready yet; Minister will sign next week etc etc are the various ways line and sector ministries are using their power to determine what non-state actors do. Simply put, Government is now controlling what we do”. **Executive Director, NNGO**

### **3.3 LACK OF CLARITY AND POOR UNDERSTANDING OF THE DCF**

Despite MoPED’s best efforts to popularise the DCF, NGOs do not fully understand the policy and find it generally confusing and time-consuming to get through the process of registration. The design of the registration forms, required documentation, amount of time required by the registration process, and requirements imposed by line and sector ministries collectively make the process cumbersome and confusing.

### **3.4 INADEQUATE CONSULTATION AND PARTICIPATIONS IN THE PROCESS OF DEVELOPING THE DCF**

A common theme that emerged from the discussions with most NGO leaders is that there was limited consultation and participation of NGO leaders in the process of developing the DCF. They claim that MoPED or its agents only invited a select group of NGOs to the consultations, and in the process, many critical voices were left out. They were denied the space to engage and express their genuine views on both the process and the document. Although there was a measure of willingness to hear the concerns of NGO and civil society leaders after the draft policy was released, very few of their concerns were reflected in the final document. MoPED argues that there was an opportunity for NGOs to engage in the process, but most NGO leaders did not attend as they probably did not take the process seriously, and

preferred instead to send very junior officials to represent them at the meetings.

“You cannot just select a handful of organisations and engage them on a national policy document and leave those with dissenting views. Even when we attempted to dialogue and remove those critical clauses that affect our smooth operations, MoPED did not accommodate us. We came out in the media voicing our dissatisfaction but the DCF still made it to cabinet for approval. This was a selective and best described as pseudo consultation by all standards”. **(an outburst from a participant in a focus group discussion)**

### **3.5 WEAK INFRASTRUCTURE AND CAPACITY OF MoPED TO FULLY IMPLEMENT THE DCF**

We also observed that MoPED and the line ministries do not have the infrastructure and capacity to fully implement the DCF Including monitoring and reviewing reports demanded of NGOs. The NGO Directorate is understaffed and under-resourced to effectively collect, store, process and analyse data to provide the requisite information to make decisions. The DCF requires NGOs to present too many reports to MoPED just as it requires MoPED to undertake extensive screening and monitoring of NGOs. The current implementation framework of the DCF also requires MoPED to heavily rely on external players such as line/sector ministries and the Ministry of Finance for a number of things, including essential data for analysis, review of SLAs, and appraise the work of NGOs, among others. Due to the limited capacity in the line/sector ministries, there are usually delays in providing data to MoPED for the purposes of making strategic decisions. Whilst line/sector ministries understand the role of NGOs in delivery services, they do not always treat their responsibilities with the same amount of priority as those demanded by heads of their ministries.

“As NGO focal person for the SLA and other issues, I am constrained to adequately respond (monitor, analyse and process the forms of the NGOs) swiftly due to limited logistics and resource availability. Mind you, we also have our normal duties to perform in the ministry. The SLA and NGO issues without additional staff and logistics is a burden”. **(MDA NGO focal person)**

### **3.6 HIGH BUREAUCRACY**

The DCF has introduced additional and complex administrative processes as well as bureaucratic burden on the NGOs. The underlying challenges of

understanding the DCF document and the complex registration and operationalization processes constitute a grave concern for NGOs and human rights defenders. Furthermore, the capacity of MoPED and the line/sector ministries to deliver is inadequate. The additional burden of the SLA process and the multiple layers of registration put additional burden on NGOs.

“Precious time of our staff which could have been spent on our operations was wasted for four good months on these movements to get the focal persons facilitate our SLAs. We are very suspicious of the way these focal persons have been delaying us the processing of these documents. Some of their overtures and utterances during our interactions are worrying”.

**(Head of a National NGO in Bo)**

Another hassle for NGOs is the challenges associated with accessing service services/benefits offered by the government such as duty waivers. The process needs to be streamlined such that once an NGO proves registration (MoPED Certificate), it should be pretty easy to receive or access such services. At the moment, the process is made more rigorous as the Ministry of Finance will have to institute additional rigorous processes which often times leads to demurrage and additional financial burden on NGOs.

### **3.7 THE CLASSIFICATION OF DIRECT AND INDIRECT COST REMAINS A THORNY ISSUE**

There is still a huge disagreement between the NGOs and Government on how to classify direct and indirect costs. MoPED seems to use a straight line approach in determining which costs fall under direct costs versus those that fall under indirect costs. This has caused huge concerns among NGOs, and it is one of the thorny issues that NGOs have raised about the DCF. For example, it is hard to strictly categorise funds used for resource mobilisation and the purchase of certain critical items like vehicles, communication equipment, and computers as direct or indirect costs. That classification does not lend itself to a linear approach. It depends on the purpose of the purchase and how it is presented in the financial proposal. Some of these costs are often spread and captured across several projects in order to stay within donor requirements and maintain sustainability of the organisation.

A lot of thinking and analysis should be done in respect of this issue during the review process.

We are seriously struggling to operate normally within the 30:70 ratio because the cost of rent for example is very high and unstable. Rent cost of office most times take a huge chunk of our budgets. Office space is also part of registration requirement in the DCF. Let there be flexibility to allow NGOs have office rent, vehicles and other capital expenditure adjusted (**National NGO Executive Director**)

This straight line assumption is very rigid and restrictive for NGOs and does not allow flexibility to expand and grow. It further puts and leaves NGOs in difficult positions for capital expenditure such as rents, vehicles, hiring competent personnel and sophisticated digital technology which is now the dictate of the world.

### **3.8 NGOs/CSOs COMPLAIN THAT THE DCF VIOLATES CITIZENS' RIGHTS AND FREEDOMS TO ASSEMBLY**

The DCF impinges on the fundamental rights of NGOs to exercise freedom of association enshrined in human rights standards (Article 19 and 22 of the International Covenant on Civil and Political Rights-ICCPR). Furthermore, the document violates key provisions in the African Charter on Human and Peoples' Rights. The requirement that persons wishing to register an NGO to support a cause either at community or national level can only do so if they can show that they have a certain amount of resources is a plain violation of their right to freedom of assembly. No one needs to have acquired a certain amount of resources to set up an NGO.

In fact, the DCF contravenes and is not in sync with the SLPP and New Direction SLPP Manifesto (Part iv): **Promoting Press Freedom and Strengthening Civil Society Organisations (CSOs)** articulated in bullets 11, 13 & 14 of Part IV Governance)

- Review donor funding architecture to establish a level playing field for NGOs and CSOs.
- Strengthen existing donor guidelines by ensuring that the Office of NGOs in MoFED is independent and effective.
- Reduce registration burden on non-state actors by eliminating multiple registration requirements.

"Organisations should be free to work where the need leads other than given directives to work in specific region of the country as well as be free to get and receive resources of their choice including not being forced to disclose or declare those resources. The DCF is an abuse and violations of rights by the Government". (**Lead CSO activist**)

### **3.9 F. THREAT TO A HEALTHY PARTNERSHIP BETWEEN GOVERNMENT AND NGOS**

The DCF has caused some tension in the relationship between the NGOs/CSOs and the Government of Sierra Leone. The many reporting obligations, excessive monitoring of the work of NGOs, and the requirement to allocate funds on a 70/30% basis between direct and indirect expenditure have caused serious concerns among NGOs and may impact on the trust level between government and NGOs.

“Government refers to us as partners in development in public engagements and other international fora, but clearly the dictates of this DCF puts Government in control of the partnership. Non-state actors want and need to be treated and accorded fairness and respect in our relationship with government”. **Head of NNGO**

### **3.10 G. DCF HAS ADVERSELY IMPACTED SERVICE DELIVERY BY NGOS**

NGOs and CSOs are considered as accelerators of service delivery to communities and people in hard-to-reach areas. However, the protracted registration and re-registration requirements, the longwinded process of signing the SLAs, and the huge operational barriers required by the DCF as well as restricting non-state actors to align with priorities of Government have had a collective effect of slowing down the work of NGOs and even sometime deprive them of much needed funds.

“We fill the gaps government leave behind and dare to the hard-to-reach areas as well as venture on politically sensitive issues. Restricting us to the national priorities carved by government will leave those areas and issues unattended. The UN SDG 2030 says we should leave no one behind”.  
**NNGO programme officer**

### **3.12 TENDENCY FOR ABUSE AND EXPLOITATION**

After two years of implementing the DCF, non-state actors say that sector/line ministries are unfairly exploiting the huge power and control they exercise in the registration and SLA framework. Where their official and sometimes unofficial expectations are not met, the process ends up being delayed. With no clear and effective redress mechanism, it makes it even harder for non-state actors overcome barriers in the registration and SLA processes.

### **3.13 THERE IS CONSENSUS ON THE NEED TO REVIEW THE DCF**

As a result of the concerns above, there is general consensus among the key partners - MoPED, NGOs, CSOs, key development partners and development experts - to review the Development Cooperation Framework with the view to addressing the key concerns identified above and build a stronger partnership between non-state actors and the Government of Sierra Leone in the delivery of the development priorities, including those identified in MTNDP and the United Nations Sustainable Development Goals (UNSDG) 2030.

### **3.14 STEPS TOWARDS REFORM**

There was a stand-off between the Government and Non-state actors (NGOs and CSO) after the introduction of the DCF. Non-state actors were particularly unhappy that the policy was passed without extensive and genuine consultations and that it had so many restrictive provisions. After Dr Francis Kai-Kai took over as the new Minister of MoPED, he held extensive consultations with the NGO community in order to, among other things, understand the issues and seek an amicable solution. Consequently, he convened a general meeting with the NGO community and followed up with several bilateral meetings aimed at minimising tension but more importantly, to build confidence and make the Government and the public aware of the significant contributions of NGOs to national development. During those meetings, he did make an undertaking, on behalf of his government, to create an enabling environment for NGOs to operate more freely. Although he encouraged them to abide by the provisions of the DCF, he assured them that it would be reviewed after two years. The review process is underway and a review committee, comprising NGO and leaders, has started work.

## 4. CONCLUSIONS AND RECOMMENDATIONS

### a. CONCLUSION

Over the last two years, the MoPED has engaged widely with the NGO community to understand the issues and seek an amicable resolution to it. Several meetings have been held to build confidence and make the Government and the public aware of the significant contribution of NGOs to national development. The Government of Sierra Leone has now transformed the NGO Unit into a directorate, which MoPED argues reflects the significance that the government attaches to NGOs.

In spite of these efforts, there is no doubt that after two years of implementing the DCF, there is a groundswell of support among the key actors for a review of the DCF.

The following are the key conclusions of the study

- There was inadequate consultation and engagement in developing the DCF. Only a few and selected non-state actors participated in the process. Consequently, it cannot be considered as inclusive and participatory.
- The DCF construct is complex and not easily understood. It combines two strategic policy documents comprising the aid policy (donors) and NGO policy (non-state actors) together.
- There is inadequate infrastructure and weak capacity of Government to fully implement it. The NGO Directorate of MoPED is understaffed and not well equipped with the requisite tools to implement the DCF. Furthermore the NGO focal persons in the line or sector ministries are inadequate and are always being moved around. .
- The DCF creates huge bureaucracy, administrative burden and impose unnecessary cost on NGOs. The multiple registration, different reporting formats, additional audit and other conditions are burdensome for NGOs.
- The rigid apportionment of budget for direct and indirect costs between 70% for direct and 30% for indirect costs does not allow

capital expenditure by NGOs, expansion of staff size, recruitment of high calibre staff and investment in technology, among others.

- The DCF infringes on rights and impedes on the right to freedom of association. The 1991 Constitution of SL guarantees rights of citizens to participate and the Sierra Leone Government is obligated to honour its commitment to international treaties, conventions and instruments.
- The DCF could weaken partnership between Government & non-state actors. There is growing suspicion about the behaviour of line and sector ministry officials.
- There is anecdotal evidence that service delivery has been affected by the DCF due to the amount of staff time lost to the bureaucratic processes of registration and the SLA; delays that resulted in NGO missing out on deadlines; the rigid 30/70% apportionment of donor funds, among others.

With these conclusions and owing to the fact the implementing structures and mechanisms (MoPED and Line Ministries) are nascent, not adequate to fully implement the many regulatory provisions of the DCF there is, therefore, an urgent need for a holistic review to address the issues raised by NGOs. The need for a review is also consistent with the recommendations of the UN Special Rapporteur on Freedom of Association.

#### **b. RECOMMENDATIONS**

The study proffers the following strategic recommendations:

- a. Review the DCF and consider drafting a new or revised policy document that better defines and ensures a cooperative relationship between the Government of Sierra Leone and the Non-Government Organisation. This should be done having regard to the UN Sustainable Development Goals Agenda 2030, especially Goal 17, which focuses on partnership and the overarching spirit of “leave no one behind”.



- b. Ensure an inclusive and participatory approach to reviewing the policy in order to ensure that the outcome addresses the key concerns expressed by NGOs whilst at the same time ensuring the need for coordination and accountability in the delivery of development programmes and services for the people of Sierra Leone.
- c. The revised document should cover additional areas, including the need for gender mainstreaming, gender equality and safeguarding of vulnerable sections of the population in project targeted communities.
- d. The revised document must clearly note that NGOs only complement the efforts of government and that the government remains committed to providing an enabling and free space to NGOs/CSOs to carry out their legitimate activities in an accountable and transparent manner.
- e. The revised document must ensure that the reporting and compliance standards are reduced to allow NGOs to spend more time and other resources on service delivery to communities that need it the most.
- f. The NGOs and CSOs must take the review process ever so seriously and ensure effective representation during the consultation process is guaranteed.
- g. The revised document must ensure there is promotion of a free and healthy space for non-governmental organisations to operate in all aspect of Sierra Leone's development (rights, freedom of expression and association etc)
- h. The revised document should promote better coordination, build a mutual accountability framework, and a strong partnership that benefits the Government of Sierra Leone, the NGOs, donors and the people of Sierra Leone.

## 5. ANNEXES

### a. ANNEX 1: INTERVIEW GUIDE

Assessment of the DCF after two years (Categories of interview)

#### **A. MoPED**

- i. Motivation for the DCF
- ii. Development of the DCF (process-consultation-duration, stages)
- iii. Experience of implementing the DCF (process, training, enforcement etc)
- iv. Benefits derived from the DCF
- v. Challenges encountered
- vi. Recommendations going forward

#### **B. NGOs**

##### **a. Local**

- i. Knowledge and perception of the DCF
- ii. Why resistance
- iii. Effect on operations (registration process, resource purse, bureaucracy)
- iv. Key areas of concern of the DCF
- v. the DCF and the implications for beneficiaries
- vi. Any benefit
- vii. Recommendations

##### **viii. International**

- i. Knowledge and perception of the DCF
- ii. Why resistance
- iii. Effect on operations (registration process, resource purse, bureaucracy)
- iv. Key areas of concern of the DCF
- v. the DCF and the implications for beneficiaries
- vi. Any benefit (experience from other countries)
- vii. Recommendations

#### **C. MDAs**

- i. Knowledge and Perception of the DCF
- ii. Involvement in the process
- iii. Experience of implementing the DCF (process, training, enforcement etc )
- iv. Major benefits
- v. Identified challenges
- vi. Recommendations

#### **D. Development partners**

- i. Knowledge and Perception of the DCF
- ii. Major benefits
- iii. Identified challenges
- iv. Recommendations

#### **E. Others (CS, Development partners and experts etc)**

- i. Knowledge and perception of the DCF
- ii. Why the resistance by certain people to the DCF
- iii. Effect on operations (registration process, resource purse, bureaucracy)

- iv. Key areas of concern of the DCF
  - i. Any benefit
  - ii. Challenges
  - iii. Recommendations