

## BIALL PRO BONO PROJECT IN SIERRA LEONE

# The World Turned Upside Down: Reaching Out to Law Libraries in Sierra Leone

**Abstract:** This article, by Sarah Bracey and Tony Simmonds, explores professional and cultural challenges confronting two BIALl members involved in a project to enhance law library services in Freetown, Sierra Leone. It considers approaches to developing effectual supportive partnerships in a developing country context where the legal information ecosystem and provision of resource differ to an extent that all but inverts the familiar working world. The article traces the boundaries of what change is feasible in such a context, cautioning against over-ambition and advocating areas for future focus around staffing, co-ordination of donation programmes and digitisation of primary materials.

**Keywords:** legal information; law libraries; pro bono work; Sierra Leone

## INTRODUCTION

A cloud inversion is an invigorating but rather unsettling phenomenon that may reward the fortunate hillwalker. It happens when climbing leads through and then out of mist, at which point everything familiar is turned on its head. Cloud becomes your footing, a carpet for landscape rather than a canopy. An assignment to review law library provision in Freetown, the capital of Sierra Leone, consistently upended all that's professionally familiar for the two authors of this article who travelled there on behalf of BIALl in March 2017. The article shines a light on facets of a legal information landscape that intertwines with the United Kingdom, but at the same time is radically and disconcertingly different.

Sierra Leone, situated on the west coast of Africa, is a small country with a troubled past. Its capital derives its name from Britain's untidy withdrawal from the Atlantic slave trade; when the Royal Navy liberated illegally trafficked people at sea, whatever their ethnic origin, Freetown was the common destination for resettlement. Political and economic disruption persisted after independence from colonial rule in 1961. Between 1991 and 2001, a bloody civil war tore the fabric of society. More recently, an outbreak of the Ebola virus between 2014 and 2016, killed several thousand people. In this challenging context, BIALl committed through a working group to find ways to build information management capital across public sector law library services.

## RELATIONSHIP OF SIERRA LEONE AND UK LAW

Above the grand entrance to the Law Courts in Freetown is a shield topped by a crown bearing a

monogram of King George V. The intertwining of UK and Sierra Leonean law is a continuing legacy of this colonial past. We were struck that all the collections we reviewed were dominated by familiar law reports and practitioner texts derived from the UK. Partly this is a function of the pervasive influence of our legal rules in this jurisdiction; partly it manifests a severe lack of local capacity around legal publishing.

Section 170 of the Constitution of Sierra Leone, adopted in 1991, establishes the components of the country's law as follows:

170. (1) The laws of Sierra Leone shall comprise —

- a. this Constitution;
- b. laws made by or under the authority of Parliament as established by this Constitution;
- c. any orders, rules, regulations and other statutory instruments made by any person or authority pursuant to a power conferred in that behalf by this Constitution or any other law;
- d. the existing law; and
- e. the common law.<sup>1</sup>

From the perspective of the UK observer, layers of complication are folded into the final two of these components. "Common law" is understood to incorporate not only rules derived from judgments of federal Sierra Leone courts, but also the body of common law and equity developed by British courts, along with "customary law". This largely unwritten source of obligations, which intersects with the allegiances of many Sierra Leoneans across at least 17 ethnic groups<sup>2</sup>, is defined by the Constitution as "the rules of law which by custom



Figure 1. Law Courts building in Freetown, Sierra Leone.

are applicable to particular communities in Sierra Leone.”<sup>3</sup>

“The existing law” is another seemingly straightforward phrase that actually involves all sorts of complexities, as the law of Sierra Leone has been interlaced with legal rules received from UK case law and legislation. Section 74 of the Courts Act, 1965 (i.e. four years after independence) provides that “... the common law, the doctrines of equity, and the statutes of general application in force in England on the 1<sup>st</sup> day of January, 1880, shall be in force in Sierra Leone.”<sup>4</sup> New decisions of UK courts have continued to be persuasive up to the present. This creates a strong need across the legal profession for access to law reports and treatises published in London, as well as for UK procedural law texts dating from particular junctures of reform.

## LAW LIBRARY CONDITIONS IN FREETOWN

While historical convergence may have caused the authorities that underpin Sierra Leone and UK law to overlap, the practicalities of legal information management are as far apart in the two locations as it is possible to imagine. Our visit encompassed three law libraries. Two of these, serving the Ministry of Justice and the Law Courts respectively, comprised large collections that occupied most of our attention (the third, serving the Fast Track Commercial Court, was modest in scope and was the object of one brief visit). We had been briefed about the challenging conditions in which these services

operate, but nonetheless we were astonished by what we encountered. The impact for visitors from the abundant information ecosystem that surrounds BIALL members is hard to convey authentically – seeing is believing – but the snapshots that follow may give some flavour of the extent of contrast.

The most significant gap, which we came to identify as the single greatest barrier to progress, was that none of these libraries had employed a professionally qualified librarian for many years. Only the Ministry of Justice library benefited from a dedicated member of staff (and this individual planned to retire soon). Periods of neglect had thus alternated with well-meaning but inconsistent interventions by staff on occasional secondment from other functions. Staffing challenges are dealt with in more detail later in this article.

Here lay the seeds of difficulties that had compounded over time, and which we could immediately see would require sustained remedial work to resolve. To varying degrees, we discovered chaotic collections, largely unclassified and uncatalogued, in poor physical condition and with high proportions of redundant material. It was clear from the outset that our short visit would limit us to an assessment of the scale of the undertaking, along with certain practical interventions by way of training and underscoring priorities for the future.

Straitened budgets had meant that lack of investment in staffing went hand in hand with lack of investment in collections. In a nutshell, none of the libraries had an acquisitions budget. A recent one-year subscription to LexisLibrary, funded by the Ministry of Justice for the benefit of its staff, represented the only paid-for digital

resource available to library users. (Although workplace network infrastructure was erratic, not least because of unreliable electricity supply, it emerged that many of these users had personal laptops and smart phones with online connectivity). The haphazard channel of hard copy donations, mainly from UK sources, offered the only way to augment or update collections.

Such a situation is hard to imagine for members of BIALL (and by extension for the users of the information services that they provide). A consequence of this disparity is a stark difference in how the printed book is perceived. Law librarians in developed countries take it for granted that printed collections complement subscribed digital content, and are constantly updated, generating steady flows of redundant volumes. In Sierra Leone, the reverse holds: a book - any book - is a precious object because it is so scarce, and is the unique vehicle for commercially published content. Vastly differing thresholds for disposal arise as a result, raising challenges during our visit on two fronts. On the one hand, our emphasis on the need for continual (and in the case of the Law Courts, immediate and radical) weeding of collections was met by our hosts with puzzlement and some scepticism. On the other hand, we were frustrated to discover that many past donations of UK law books comprised low-value material (cumulative supplements to Halsbury's Laws, for example) or large numbers of copies of identical texts. We had a feeling that too much material had been given not so much on the basis of its likely value to the Freetown legal community, but more as a convenient channel to dispose of waste. Our report emphasised a potential role for BIALL in supporting donors to better

evaluate the potential usefulness of their proposed gifts in the library contexts to which they may be sent.

Scarcity of information as a resource had another consequence for which our familiar professional settings had not prepared us. Freetown law libraries matter so much to the communities that depend upon them that we had separate audiences at the beginning and at the end of our visit with both the Chief Justice and the Minister of Justice. Both endorsed the value of our work, and the Minister in particular was open to discussing specific findings and requests (for example, he promised to establish a gratis subscription to the Sierra Leone Gazette for the benefit of SierraLII, the free portal for Sierra Leone law). In the matters of protocol that these meetings raised, as in so many other matters, we depended heavily on the insight and diligence of our greatest asset in Freetown, the Secretary of the UK Sierra Leone Pro Bono Network, Momo Turay. The importance of an experienced local contact such as Momo cannot be overestimated when planning a fact-finding trip such as this.

The physical condition of the Law Courts Library brought starkly to our attention the need to manage environmental challenges that would be unknown to BIALL members. Tropical humidity and fierce direct sunlight had accelerated decay of older volumes, and also the carpet. Thick dust had thereby accumulated to an extent that handling books was a dirty and unpleasant experience for users. There were signs of infestation by insects and small mammals (evidenced by a skeleton resting on book spines in an obscure corner of the collection!) [Figure 2](#) illustrates the protective equipment to which we



Figure 2. Precautions needed for weeding the Law Courts library collection!

felt we had to resort in beginning the pressing task of weeding redundant and damaged material. In spite of the somewhat off-putting garb of the two librarians, keen interest was taken in our work by a succession of visiting advocates and judges; in spite of its poor and disorderly condition, these encounters left us in no doubt that the library was used and highly valued.

## SierraLII

Legal information professionals take for granted the importance of up-to-date legal materials, citation of correct authorities and adherence to procedure rules. Often there is an expectation that, though each jurisdiction will have its own resources<sup>5</sup> and rules, somehow there will be an equivalent to our own. Even if online resources might not be widely available, it might still be assumed that the legal system would function more like that of England in say the 1970s. It can be very difficult to comprehend the great challenges that may be associated with a legal system which has a shared history and similar structure.

Law reporting has always been one of the fundamental tools of a common law system. In England, where the earliest law reports date from the reign of Edward I (1272–1307)<sup>6</sup> and large numbers of law reports and judgments are available, it has been necessary to issue practice directions periodically to clarify their citation. In contrast, there have been no law reports for Sierra Leone since 1973. The British Government sponsored a series in 1925, however this only lasted for one volume covering 1912–1924.<sup>7</sup> The Sierra Leone Law Reports were introduced in 1961 and consisted of three volumes covering 1960–1963. The African Law Reports: Sierra Leone series was the last to cover Sierra Leone, until it stopped in 1973. The judiciary does not publish any judgments itself and as a result, there is very limited access to Sierra Leone case law.

In addition to visiting physical libraries we also met with Martina Egbenda, Co-ordinator of the Sierra Leone Legal Information Institute (SierraLII - [www.sierralii.org](http://www.sierralii.org)). You would be unlikely to find a legal information professional who is not familiar with the British and Irish Legal Information Institute (BAILII) or another of the legal information institutes within the Free Access to Law Movement (FALM). For those without access to subscription resources, they can be the only means of accessing case law, legislation and other legal materials. BAILII provides access to the most comprehensive set of British and Irish primary legal material on the internet and is heavily used both by public and commercial organisations. However, it is reliant on continuing flow of donations to remain operational. If a charity supported by some of the biggest legal institutions, publishers and law firms in the British Isles can struggle, it will come as no surprise that the situation for SierraLII is far worse.

SierraLII was originally established as a legacy project of the Special Court for Sierra Leone (SCSL) in 2010 and

has received generous sponsorship from the Open Society Foundations and the Open Society Initiative for West Africa (OSIWA). The website moved to a new platform in 2016 that is funded and supported technically by AfricanLII. Though the work that they do is admirable, a lack of funding for staff and equipment and a need for developed systems within the judiciary are currently preventing SierraLII from fulfilling its potential.

One of the main difficulties faced by SierraLII is obtaining judgments. Unlike the formalised procedures for the preparing, handing down and disseminating of judgments in the UK, judgments in Sierra Leone are given ad hoc by judges, often without any hardcopy version provided or sometimes only handwritten. Lack of co-ordination in supply means that SierraLII staff are obliged to approach individual judges to request their decisions. The absence of listings of judgment promulgations causes uncertainty over who to approach and when.

Though many Sierra Leone judges support free access to legal resources, some choose not to contribute. Often this is because they do not want their judgments included, or they feel that decisions on particular subjects should not be openly accessible. We were even told of cases where judgments had been removed at the request of the parties.

It is easier for SierraLII to obtain legislation as it is published by the government printer in the hard copy Sierra Leone Gazette, but we found no procedure for it to be automatically sent to SierraLII, instead they paid for a subscription. The hard copy originals are then scanned and uploaded onto the website. The quality of the scanned documents can sometimes be poor, due to the condition and format of the sources. Loose parts have thin paper, ink can be seen from the other side, and spines on bound volumes can be too tight to allow scanning. Though staff do have access to OCR software, it was apparent from looking at recent acts that only a small number of documents had searchable text; of the seven 2016 acts, we found only one to be searchable. Older legislation is purchased from the Parliament bookshop. However, in addition to cost implications, we found only a small number of volumes available for purchase at these premises.

The Parliament website also uploads legislation and it is of interest that these appear to be electronic originals, instead of derived from hard copy. It is unfortunate that there has been no system for sharing these versions with SierraLII, especially as the SierraLII website allows for searching the text of Acts, unlike its Parliamentary counterpart. If a process could be agreed for Parliament to share legislative materials in electronic format with SierraLII, it would make these far more accessible and allow SierraLII to concentrate on case law.

The work of SierraLII is completely reliant on having a suitable standard of IT equipment, to maintain the website and scan materials. Present equipment is not up to standard. On the day of our meeting the office computer was not working, and the personal laptop of the intern was



Figure 3. Delivering online research training to Law Officers in the Ministry of Justice.

being used. We gathered this was a regular occurrence. There was only one flatbed scanner, causing a backlog of materials waiting to be scanned and uploaded.

There are no commercial subscription services for Sierra Leone case law or legislation, and with so few published legal materials, and these only held in a handful of libraries, it is clear why a resource such as SierraLII is so important. It is not only a matter of making the law accessible to the general public, it is needed to make it accessible to the legal profession itself.

## LIBRARY STAFFING

At every stage of imagining a better future, we were convinced of the need for investment in human capital as a prerequisite. Recruitment of capable and committed staff would be key to building the collections and the service culture upon which such a future depends. However, our promotion of this priority had to be tempered by everyday evidence of the stark reality of lack of resource. When high-shelved library collections are inaccessible for want of a ladder and toilets lack a working flush, decisions on budget allocation have to be weighed in a balance that is foreign to everything we can take for granted at work.

It came as no surprise to discover that the state of librarianship education in Sierra Leone had deteriorated from a low base under the impact of the Ebola crisis. Nonetheless we were encouraged to meet a proactive librarian early in our visit, who sought the sort of professional role that we came to see as pivotal for progress. It would not have been appropriate for us to seek to

promote any candidate for a position, but we did welcome this individual in discussions and in the training activities we undertook.

Advocacy to our hosts of the merits of a qualified librarian role at each library (or perhaps one role split between libraries) did not meet with success. It may be naïve to equate the two, but we couldn't help some disappointment that lack of budget was cited as a barrier alongside recent substantial investment in a new subscription to components of LexisLibrary. Our sense of skewed priorities was sharpened by learning that that no plan existed for the sort of database training and ongoing support that a library professional would be ideally placed to provide.

We responded as fully as we were able to requests to provide training to various administrators who might be requested to take on library duties in parallel to their existing roles. We recognised the virtue of redeploying staff in order to provide security and continuity of employment. However, it was evident that the individuals to whom this opportunity was offered showed varying levels of enthusiasm for a library assignment. In future partnership initiatives in developing countries, it is important that BIALI maintains a strong endorsement of the worth of a qualified librarian to any legal information service, as well as the value of dedicated paraprofessional staff that have a personal interest and affinity for library work.

## CONCLUSION

It isn't easy to sum up our experience tidily. We left Freetown with a clear vision of what was required to put

the services we reviewed on an effective footing. This vision was distilled into an extensive and prioritised array of recommendations in a report that was welcomed by our funders and by our hosts. We have continued to offer support where we have been able. In autumn 2017, older Sierra Leone materials owned by Lincoln's Inn Library were digitised for SierraLII and a detailed specification for overhauling the collection and physical environment of the Law Courts Library was provided. Some of our proposals have borne fruit, which is gratifying; a substantial proportion have not, or not yet, which can feel frustrating.

There is scope for BIALL to have an appreciable impact on the quality of legal library provision in a context such as Freetown. We would advocate that pursuit of opportunities for partnership working to this goal should figure in our Association's mission. As we have highlighted, brokering donations, digitising hard-

to-find materials and promoting investment in professional roles are potentially fruitful facets of this work.

For individuals who actively seek to involve themselves by diverting their professional skills briefly away from the sort of fast-paced and well-resourced environments where BIALL members tend to work, overestimating what can be achieved, in what order and how quickly, is a prominent risk. There are inevitable constraints on what can be achieved in the course of a short visit, not just owing to pressure of time but also to the disorientation and the reframing of assumptions that must be undergone. To return to the hillwalking analogy that opened this article, it unavoidably takes time to reset one's bearings in such unfamiliar territory. After the visit, in reality, little control can be exercised over the pace or prioritisation of tasks from outside the partner country. Beyond any professional skillset, an aptitude for patience and persistence are perhaps the key qualities to bring to any such undertaking.

## Footnotes

<sup>1</sup> The Constitution of Sierra Leone, 1991 (Act No. 6 of 1991) <<http://www.sierra-leone.org/Laws/constitution1991.pdf>> accessed 3 April 2018.

<sup>2</sup> Carl Skutsch (ed), *Encyclopedia of the World's Minorities*, vol 3 (Routledge 2005) 1099.

<sup>3</sup> The Constitution of Sierra Leone, 1991 (Act No. 6 of 1991) s. 170(3) <<http://www.sierra-leone.org/Laws/constitution1991.pdf>> accessed 3 April 2018.

<sup>4</sup> Courts Act, 1965 <<https://sierralii.org/sl/legislation/act/31/COURTS%20ACT%201965.pdf>> accessed 3 April 2018.


<sup>5</sup> For an overview of Sierra Leone legal sources see: Hanatu Kabbah, *Sierra Leone Legal System and Legal Research* <[http://www.nyu-lawglobal.org/globalex/Sierra\\_Leone1.html#\\_Sources\\_of\\_Law\\_in%20Sierra%20Leone](http://www.nyu-lawglobal.org/globalex/Sierra_Leone1.html#_Sources_of_Law_in%20Sierra%20Leone)> accessed 23 April 2018.

<sup>6</sup> William Holdsworth, *A History of English Law*, vol 2 (4<sup>th</sup> edn, Methuen and Sweet and Maxwell, 1936) 536.

<sup>7</sup> Alan Milner, 'The African Law Reports' (1967) 11 *Journal of African Law* 151.

## Biographies

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