Constitutional Law Review
https://ejournal.iain-bone.ac.id/index.php/colrev
P-ISSN 2987-3436
Vol.5, No.1, May, 2026, pp. 1-25
https: Prefix 10.30863
colreveditorialjurnal@gmail.com

Sierra Leone's Constitutional Framework for Resource Governance and Economic Inequality: A Socio-Legal Study

Kerangka Konstitusional Tata Kelola Sumber Daya Alam dan Ketimpangan Ekonomi di Sierra Leone: Kajian Sosio-Legal

Thomas Sheku Marah [a,1,*]

[a] Nusa Putra University, Sukabumi, Indonesia
[1] thomas.sheku_hk23@nusaputra.ac.id*

* corresponding author

ARTICLE INFO

Article history
Received: 10 December 2025
Revised: 24 March 2026
Accepted: 30 April 2026

Keywords
Resource governance
Constitutional non-justiciability
Distributive justice
Mining regulation
Sierra Leone

ABSTRACT

This article examines why Sierra Leone has not fully translated its mineral wealth and post-conflict legal reforms into equitable and sustainable development outcomes. It argues that the problem cannot be explained solely by the resource curse thesis or by the absence of legal reform, but by the interaction between constitutional non-justiciability, statutory ambition, institutional capacity, and local political-economic asymmetries. Employing doctrinal legal analysis complemented by a socio-legal institutional perspective, the article analyses the Constitution of Sierra Leone 1991, the Mines and Minerals Development Act, 2022 (Act No. 16 of 2023), and relevant academic, policy, and institutional materials. The findings show that the Constitution provides important normative commitments to welfare, social justice, equality of opportunity, and the public use of natural resources, but the non-justiciability of the Fundamental Principles of State Policy limits their direct enforceability. The 2022 Act partially responds to this constitutional enforceability gap by strengthening Community Development Agreements, revenue-linked benefit-sharing mechanisms, transparency obligations, and environmental and social safeguards. However, these statutory mechanisms have not yet demonstrably produced commensurate distributive outcomes because their effectiveness remains constrained by weak regulatory capacity, uneven enforcement, informality in artisanal and small-scale mining, risks of elite capture, and unequal community participation. The article conceptualises this condition as a legalised distributive deficit, in which law formally recognises transparency, participation, benefit-sharing, and environmental protection while remaining unable to secure material redistribution without institutional enforcement, regulatory autonomy, and meaningful community accountability.

This is an open access article under the CC–BY-SA 4.0 license.

1. Introduction

Sierra Leone offers an important case for examining the relationship between natural resource governance, constitutional design, and distributive justice in resource-rich post-conflict states.[1] The country is endowed with substantial mineral resources, including diamonds, gold, bauxite, rutile, and iron ore, yet this resource wealth has not consistently produced broad-based socio-economic development.[2] Sierra Leone remains marked by deep poverty, limited economic diversification, and uneven access to social and economic opportunities, particularly in communities directly affected by mining activities.[3] This paradox raises a central socio-legal question: why have constitutional commitments and statutory reforms in the mining sector not translated mineral wealth into more equitable and enforceable development outcomes? [4]

This question is especially significant in light of Sierra Leone's post-conflict trajectory. During the civil war from 1991 to 2002, alluvial diamonds became closely associated with armed conflict, illicit extraction, and the weakening of state authority.[5] In the aftermath of the war, domestic reform programmes and internationally supported reconstruction agendas sought to rebuild public institutions, strengthen regulatory oversight, improve transparency, and reposition the mining sector as a vehicle for national development. Sierra Leone's participation in extractive-sector transparency initiatives and the adoption of new mining legislation reflect this broader reformist orientation. However, the transition from conflict minerals to formalised extractive governance has not fully resolved the distributive tensions embedded in resource extraction. Mining continues to generate revenue and investment, but many affected communities remain exposed to

[1] R Maconachie dan T Binns, "Beyond greed and grievance in Sierra Leone. Can diamonds play a role in post-conflict reconstruction?," *Zeitschrift fur Wirtschaftsgeographie* 51, no. 3–4 (2007): 163–75, https://www.scopus.com/inward/record.uri?eid=2-s2.0-38049188070&partnerID=40&md5=b57f306df04822fa1a437f42146a83be; Richard M Auty, "How Natural Resources Affect Economic Development," *Development Policy Review* 18, no. 4 (1 Desember 2000): 347–64, https://doi.org/https://doi.org/10.1111/1467-7679.00116; Paul Collier, *The Bottom Billion: Why the Poorest Countries Are Failing and What Can Be Done About It*, *Oxford University Press* (Oxford, 2007).

[2] R Harvey, "The resource curse," in *Elgar Encyclopedia of African Politics*, 2026, 421–27, https://doi.org/10.4337/9781035309306.00079.

[3] P T Mabey et al., "Environmental impacts: Local perspectives of selected mining edge communities in Sierra Leone," *Sustainability (Switzerland)* 12, no. 14 (2020), https://doi.org/10.3390/su12145525; S A Wilson, "Mining-induced displacement and resettlement: The case of rutile mining communities in Sierra Leone," *Journal of Sustainable Mining* 18, no. 2 (2019): 67–76, https://doi.org/10.1016/j.jsm.2019.03.001; M Fayiah, "Mining and Environmental Degradation: A Gift Brings Grief Scenario for Mining Communities in Sierra Leone," *Journal of Mining and Environment* 11, no. 2 (2020): 347–61, https://doi.org/10.22044/jme.2020.8808.1770.

[4] Roy Maconachie dan Felix Conteh, "Artisanal mining policy reforms, informality and challenges to the Sustainable Development Goals in Sierra Leone," *Environmental Science & Policy* 116 (2021): 38–46, https://doi.org/https://doi.org/10.1016/j.envsci.2020.10.011.

[5] International Monetary Fund, "Sierra Leone: Poverty Reduction and Growth Strategy" (Washington DC, 2024).

environmental harm, livelihood disruption, limited participation, and weak access to accountable remedies.

The persistence of these problems cannot be adequately explained by economic performance or administrative weakness alone. Rather, it reveals a deeper legal and constitutional problem concerning the relationship between formal reform and enforceable accountability. Sierra Leone's constitutional order contains broad commitments to welfare, social justice, equitable development, participation, and environmental protection. At the same time, many of these commitments are located within the Fundamental Principles of State Policy, which are constitutionally framed as non-justiciable. This creates a structural tension between constitutional aspiration and legal enforceability. In the context of natural resource governance, that tension matters because communities affected by extraction may be normatively recognised as beneficiaries of development while lacking effective legal mechanisms to challenge exclusionary, unequal, or environmentally harmful outcomes.

Existing scholarship on the resource curse has provided influential explanations for the developmental failures of resource-rich states. Auty's early work identified the paradox that countries with abundant natural resources often experience weaker development outcomes than less resource-dependent economies.[6] Sachs and Warner subsequently located this problem within macroeconomic dynamics such as commodity dependence, volatility, rent-seeking, and limited diversification.[7] Political economy and conflict-oriented studies, including the works of Collier and Bannon, further demonstrated how resource wealth may intensify corruption, institutional fragility, armed violence, and state capture.[8] These contributions remain central to understanding Sierra Leone's experience. However, they tend to explain resource-related underdevelopment primarily through economic, institutional, or conflict-centred variables, while giving less sustained attention to the constitutional and legal architecture through which resource governance is authorised, limited, and made accountable.

A related body of literature on Sierra Leone has examined diamonds, civil conflict, post-war reconstruction, mining-sector reform, licensing, transparency initiatives, informal mining, environmental regulation, and community development mechanisms.[9] These studies have generated valuable insights into the political economy of extraction and the

[6] Richard M Auty, "Resource Curse," in *International Encyclopedia of Geography*, 2017, 1–10, https://doi.org/https://doi.org/10.1002/9781118786352.wbieg0423.

[7] Jeffrey D. Sachs dan Andrew M. Warner, "Natural Resource Abundance and Economic Growth," *NBER Working Paper No. w5398*, 1995.

[8] Ian Bannon dan Paul Collier, *Natural Resources and Violent Conflict*, *The World Bank* (Washington DC, 2003).

[9] Maconachie dan Conteh, "Artisanal mining policy reforms, informality and challenges to the Sustainable Development Goals in Sierra Leone"; R Maconachie, "Diamonds, governance and 'local' development in post-conflict Sierra Leone: Lessons for artisanal and small-scale mining in sub-Saharan Africa?," *Resources Policy* 34, no. 1–2 (2009): 71–79, https://doi.org/10.1016/j.resourpol.2008.05.006.

practical challenges of regulatory implementation.[10] Yet legal reform is often treated as a matter of institutional design or administrative performance rather than as part of a broader constitutional structure that determines whether claims to equitable development can become enforceable rights, duties, or remedies. As a result, insufficient attention has been devoted to how constitutional non-justiciability, statutory obligations, institutional behaviour, political patronage, and local power asymmetries interact to shape the distribution of benefits and burdens arising from mineral extraction.

This article addresses that gap by analysing Sierra Leone's natural resource governance through a socio-legal and institutional governance framework. It argues that the country's resource governance problem lies not simply in the absence of legal reform, but in the limited capacity of constitutional and statutory norms to operate as enforceable distributive claims within weak and politically asymmetrical governance structures. The article conceptualises this problem as a form of legalised distributive deficit: a condition in which the legal system formally recognises development-oriented principles, transparency obligations, benefit-sharing mechanisms, and community participation, yet fails to ensure that these norms produce materially equitable outcomes for mining-affected communities.

The constitutional dimension of this problem is central. Chapter II of the Constitution of Sierra Leone 1991 sets out the Fundamental Principles of State Policy, including principles related to democracy, participation, economic justice, social welfare, and the duties of government. However, Section 14 provides that these principles do not confer legal rights and are not enforceable in any court of law. Although the principles remain fundamental to the governance of the state and are intended to guide Parliament and public authorities, their non-justiciable status limits their capacity to function as direct instruments of accountability. In the extractive sector, this constitutional design may weaken the ability of affected communities to translate broad commitments to equitable development and environmental protection into legally enforceable claims.

The statutory dimension is equally important. The Mines and Minerals Development Act, 2022, formally cited as Act No. 16 of 2023, repealed and replaced the Mines and Minerals Act, 2009. The Act introduced a more development-oriented framework for mineral governance by emphasising transparency, accountable management, environmental protection, employment practices, community welfare, and the socio-economic benefit of the people of Sierra Leone. It also strengthens the legal basis for community-related obligations, including mechanisms such as Community Development Agreements. These reforms indicate an attempt to move beyond a purely revenue-centred model of mining regulation. Nevertheless, the distributive significance of the Act depends

[10] L D'Angelo, "Who owns the diamonds? the occult eco-nomy of diamond mining in Sierra Leone," *Africa* 84, no. 2 (2014): 269–93, https://doi.org/10.1017/S0001972013000752; R Maconachie dan T Binns, "Beyond the resource curse? Diamond mining, development and post-conflict reconstruction in Sierra Leone," *Resources Policy* 32, no. 3 (2007): 104–15, https://doi.org/10.1016/j.resourpol.2007.05.001.

not only on its formal provisions, but also on enforcement capacity, regulatory independence, political will, institutional coordination, and the ability of mining-affected communities to participate meaningfully in decision-making processes.

Against this background, the article is guided by three interrelated questions. First, how does the non-justiciable status of the Fundamental Principles of State Policy shape state accountability in Sierra Leone's natural resource governance? Second, to what extent does the Mines and Minerals Development Act, 2022 provide enforceable mechanisms for transparency, benefit-sharing, environmental protection, and community development? Third, how do institutional capacity, political context, and local power asymmetries affect the ability of constitutional and statutory frameworks to mitigate economic inequality in mining-affected communities?

The article makes three contributions. First, it contributes to debates on constitutionalism in the Global South by showing how non-justiciable directive principles may weaken accountability in sectors where distributive justice is central. Second, it contributes to natural resource governance scholarship by shifting attention from the existence of mining-sector reform to the enforceability and distributive effects of that reform. Third, it advances socio-legal analysis of post-conflict resource governance by connecting doctrinal legal analysis with institutional practice and political economy. Through the case of Sierra Leone, the article demonstrates that the challenge for resource-rich post-conflict states is not merely to adopt modern mining laws, but to ensure that constitutional aspirations and statutory reforms can be translated into accountable, participatory, and equitable development outcomes.

2. Legal Materials and Methods

This article adopts a qualitative doctrinal and socio-legal research design to examine the relationship between Sierra Leone's constitutional framework, mining legislation, institutional governance, and distributive inequality in the extractive sector. The doctrinal component analyses primary legal materials, principally the Constitution of Sierra Leone 1991 and the Mines and Minerals Development Act, 2022, formally cited as Act No. 16 of 2023. Particular attention is given to Chapter II of the Constitution, including the Fundamental Principles of State Policy and their non-justiciable status under section 14, as well as to relevant provisions of the 2022 mining legislation concerning transparency, accountable management, benefit-sharing, community welfare, environmental safeguards, and participation. The 2022 Act is also read against the Mines and Minerals Act, 2009 to identify the extent to which the newer framework represents a substantive shift from revenue-centred regulation toward a more development-oriented model of mineral governance.

The socio-legal component situates these legal norms within Sierra Leone's post-conflict institutional and political economy context. It draws on secondary empirical materials, including academic literature, policy documents, extractive-sector transparency reports, institutional assessments, and civil society publications addressing mining

governance, regulatory enforcement, community development, environmental impacts, and resource-related inequality. These materials are selected on the basis of four criteria: their direct relevance to Sierra Leone's extractive sector; their engagement with institutional performance or distributive outcomes; their authority and reliability as legal, policy, academic, or institutional sources; and their temporal relevance to the period surrounding the adoption and implementation of the post-2022 mining framework. Because the article does not conduct primary fieldwork, these secondary materials are not treated as direct empirical verification of community experience, but as externally documented evidence for assessing how legal norms are implemented, constrained, or mediated in practice.

The analysis proceeds through a structured thematic reading of both legal and socio-legal materials. It examines four interconnected dimensions: first, the constitutional status of state policy principles and their implications for enforceability; second, the statutory mechanisms through which transparency, benefit-sharing, environmental protection, and community development are regulated; third, the institutional conditions affecting regulatory enforcement, including capacity, coordination, political influence, and administrative discretion; and fourth, the documented distributive effects of mining governance on affected communities. Limited comparative references to other resource-rich jurisdictions are used interpretively rather than as full comparative case studies. Their purpose is to situate Sierra Leone within broader debates on constitutionalism, natural resource governance, and distributive justice in the Global South.

This methodological design enables the article to assess not only the formal content of Sierra Leone's constitutional and statutory reforms, but also the extent to which those reforms can generate enforceable distributive accountability. The article therefore does not claim to measure inequality through original field data. Rather, it evaluates whether the legal and institutional framework is capable of translating constitutional aspirations and statutory obligations into accountable, participatory, and equitable outcomes for mining-affected communities.

3. Results and Discussion

3.1. Constitutional Framework for Resource Governance in Sierra Leone

Sierra Leone's constitutional framework provides an important normative foundation for natural resource governance, but it simultaneously reveals a structural weakness in translating distributive aspirations into enforceable legal claims. The Constitution of Sierra Leone 1991 situates questions of development, welfare, participation, social justice, and resource management within Chapter II on the Fundamental Principles of State Policy. Section 7 directs the state to harness national natural resources for national prosperity and to organise the economy in a manner that secures the maximum welfare and freedom of every citizen on the basis of social justice and equality of opportunity. Section 8 complements this orientation by articulating broader social objectives, including equality, human dignity, access to justice, adequate livelihood, and the protection of health, safety, and welfare in working conditions. Taken together,

these provisions suggest that natural resources are not merely economic assets of the state, but constitutional instruments for advancing public welfare, social justice, and inclusive development.[11]

The normative force of these provisions is, however, limited by the constitutional design of non-justiciability. Section 14 provides that the principles contained in Chapter II do not confer legal rights and are not enforceable in any court of law, although they remain fundamental to the governance of the state and must guide Parliament in law-making. This creates a central constitutional tension: the Constitution recognises distributive and welfare-oriented principles relevant to natural resource governance, but does not allow affected communities to invoke those principles directly as enforceable constitutional rights. In mining-affected areas, this means that claims concerning equitable benefit distribution, community welfare, or state failure to use mineral wealth for public benefit cannot be grounded directly in Chapter II as justiciable rights. The constitutional framework therefore recognises a distributive vision without providing a direct judicial mechanism through which that vision can be converted into legal duties, remedies, or enforceable accountability.[12]

This design produces what may be described as a constitutional enforceability gap. On the one hand, the state is constitutionally directed to manage the national economy and natural resources in the interest of welfare, social justice, and equality of opportunity. On the other hand, those commitments remain primarily programmatic rather than rights-conferring. Chapter II consequently operates as a source of political and legislative guidance rather than as a direct basis for constitutional litigation. In a resource-rich post-conflict state, this distinction is significant. Where mining generates revenue, land-use change, environmental risk, and distributive contestation, the absence of justiciable socio-economic or resource-related rights weakens the capacity of constitutional law to discipline executive discretion, correct unequal distribution, or provide judicially enforceable remedies for affected communities.[13]

Table 1 summarises the relationship between constitutional provisions, their legal effect, and their implications for natural resource governance in Sierra Leone.

---

[11] Parliament of Sierra Leone, "The Constitution of Sierra Leone,1991," *Government of Sierra Leone* (Freetown, 1991); David Bilchitz, "Constitutionalism, the Global South, and Economic Justice," in *Constitutionalism of the Global South: The Activist Tribunals of India, South Africa, and Colombia*, ed. oleh Daniel Bonilla Maldonado (Cambridge: Cambridge University Press, 2013), 41–94, https://doi.org/DOI: 10.1017/CBO9781139567114.003.

[12] Leone, "The Constitution of Sierra Leone,1991"; Elizabeth Kaletski et al., "Does constitutionalizing economic and social rights promote their fulfillment?," *Journal of Human Rights* 15, no. 4 (1 Oktober 2016): 433–53, https://doi.org/10.1080/14754835.2015.1103159.

[13] Kaletski et al., "Does constitutionalizing economic and social rights promote their fulfillment?"; McKenzie F Johnson, "Strong (green) institutions in weak states: Environmental governance and human (in)security in the Global South," *World Development* 122 (2019): 433–45, https://doi.org/https://doi.org/10.1016/j.worlddev.2019.06.010; Bilchitz, "Constitutionalism, the Global South, and Economic Justice."

Table 1. Constitutional Structure and Legal Effect of Resource Governance Provisions in Sierra Leone

Constitutional layer	Core content	Legal effect	Resource governance
Chapter II: Fundamental Principles of State Policy	Development, welfare, social justice, equality of opportunity, economic and social objectives	Non-justiciable under Section 14	Provides normative guidance but does not create directly enforceable claims
Section 7: Economic Objectives	Use of natural resources for national prosperity, welfare, social justice, and equality of opportunity	Programmatic; not directly enforceable in court	Establishes distributive aspirations for resource governance
Section 14: Fundamental Principles not Justiciable	Chapter II principles do not confer legal rights and are not enforceable in court	Removes direct judicial enforceability	Converts distributive commitments into political and legislative obligations
Chapter III: Fundamental Human Rights and Freedoms	Life, liberty, security of person, property, protection of law, privacy, and non-discrimination	Justiciable	Provides a possible indirect rights-based pathway, but not an explicit socio-economic or environmental rights framework
Ordinary legislation	Mining statutes, regulatory duties, community development mechanisms, environmental safeguards	Potentially enforceable depending on statutory design and institutional capacity	Becomes the principal route for translating constitutional aspirations into operational duties

Source: Author's construction based on the Constitution of Sierra Leone 1991.

The significance of this enforceability gap becomes clearer when Sierra Leone's post-conflict resource governance context is considered. The country's civil war and its association with mineral extraction made the governance of natural resources central to post-war institutional reconstruction.[14] Since joining the Extractive Industries Transparency Initiative (EITI) in 2008, Sierra Leone has pursued reforms aimed at improving transparency, licensing, revenue reporting, and accountability in the extractive sector. These reforms have contributed to greater disclosure and oversight of resource revenues. The 2022–2023 EITI reporting cycle recorded extractive revenues of approximately US$39 million in 2022 and US$48 million in 2023, underscoring the sector's continuing fiscal importance.[15] Nevertheless, the existence of institutional reforms

[14] Maconachie, "Diamonds, governance and 'local' development in post-conflict Sierra Leone: Lessons for artisanal and small-scale mining in sub-Saharan Africa?"

[15] Sierra Leone Extractive Industries Transparency Initiative (SLEITI), "SIERRA LEONE EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE (SLEITI) EITI REPORT," 2024, 19.

and increasing resource revenues does not, in itself, resolve questions concerning the equitable distribution of resource benefits, environmental protection, and the realization of broader constitutional commitments relating to social justice and national development. It is precisely at this point that the constitutional status of the Fundamental Principles of State Policy becomes significant.[16]

From a socio-legal perspective, the problem is therefore not simply the absence of constitutional principles. Rather, it lies in the limited legal force of those principles within institutional settings marked by regulatory dependence, political discretion, and uneven bargaining power between the state, mining companies, and affected communities. Non-justiciability does not erase the normative value of Chapter II; however, it changes the mode of accountability. Instead of judicial accountability, the fulfilment of distributive commitments depends primarily on political will, statutory implementation, administrative capacity, regulatory independence, and legislative oversight. In this sense, non-justiciability operates as an accountability filter: it limits direct judicial review, leaves distributive commitments dependent on ordinary legislation and executive implementation, and increases the importance of sector-specific mining regulation as the main legal vehicle for operationalising constitutional aspirations.[17]

A further limitation arises from the absence of an explicit justiciable socio-economic and environmental rights framework in the Sierra Leonean Constitution. Chapter III protects civil and political rights, including rights relating to life, liberty, security of person, property, protection of law, privacy, and non-discrimination. These rights may provide an indirect pathway for constitutional claims where mining-related activities threaten life, property, livelihood, equal protection, or personal security. However, this is not equivalent to an express constitutional right to development, a right to natural resources, or a right to a healthy environment. The Constitution does contain references to the conservation of natural resources in specific contexts, but it does not constitutionalise a freestanding and directly enforceable environmental right. This narrows the doctrinal basis on which courts may develop rights-based accountability in disputes concerning extractive governance.[18]

---

[16] N Engwicht dan C Ankenbrand, "Natural resource sector reform and human security in post-conflict societies: Insights from diamond mining in Sierra Leone," *Extractive Industries and Society* 8, no. 4 (2021), https://doi.org/10.1016/j.exis.2021.100988.

[17] Prakash Kashwan, "Integrating power in institutional analysis : A micro-foundation perspective," *Journal of Theoretical Politics* 28, no. 1 (2015): 1177, https://doi.org/https://doi.org/10.1177/0951629815586877; Emmanuel Yeboah-Assiamah, Kobus Muller, dan Kwame Ameyaw Domfeh, "Institutional assessment in natural resource governance: A conceptual overview," *Forest Policy and Economics* 74 (2017): 1–12, https://doi.org/https://doi.org/10.1016/j.forpol.2016.10.006; Johnson, "Strong (green) institutions in weak states: Environmental governance and human (in)security in the Global South."

[18] Leone, "The Constitution of Sierra Leone,1991"; Johnson, "Strong (green) institutions in weak states: Environmental governance and human (in)security in the Global South"; S Conteh dan V Maru, "How Sierra Leone Enacted One of the Most Progressive Land, Climate, and Environmental Justice Laws in the World," *Environmental Justice* 17, no. 6 (2024): 404–12, https://doi.org/10.1089/env.2023.0032.

This position contrasts with several contemporary African constitutional frameworks. The Constitution of South Africa expressly protects environmental rights and socio-economic rights, including access to health care, food, water, and social security.[19] The Constitution of Kenya 2010 similarly recognises the right to a clean and healthy environment as well as economic and social rights.[20] These comparisons are not used here as transplantable models for Sierra Leone, but as interpretive reference points showing how constitutional design affects the availability of judicially enforceable distributive and ecological claims. Sierra Leone's constitutional framework, by contrast, leaves such claims dependent on indirect rights-based reasoning, statutory mechanisms, or political accountability rather than explicit constitutional enforcement.

Chapter III may nevertheless retain strategic significance. Rights to life, protection of law, property, dignity-related protection, and non-discrimination could potentially be invoked where extractive activities produce severe harm, displacement, unequal treatment, or deprivation of livelihood. Yet, in the absence of clear judicial authority extending Chapter III rights to resource governance disputes, this remains a doctrinal possibility rather than an established constitutional practice.[21] The potential of Chapter III therefore does not fully cure the enforceability deficit created by Section 14. It only suggests that certain mining-related grievances may be reframed as civil and political rights claims where the facts support such a legal characterisation.[22]

The main finding of this section is that Sierra Leone's Constitution establishes a strong normative foundation for equitable natural resource governance but a weak structure of legal enforceability. Sections 7 and 8 articulate a constitutional vision of resource governance grounded in welfare, social justice, equality of opportunity, human dignity, access to justice, and public benefit. However, Section 14 prevents those principles from operating as directly enforceable constitutional rights. As a result, mining-affected communities occupy a legally constrained position when seeking to challenge unequal

[19] M Diedericks, F Dube, dan A du Plessis, "Involving South Africa's Human Rights Commission in environmental protection: South African Human Rights Commission v Msunduzi Local Municipality," *South African Journal on Human Rights* 39, no. 2–3 (2023): 236–50, https://doi.org/10.1080/02587203.2023.2277288.

[20] R Mwanza, "The relationship between the principle of sustainable development and the human right to a clean and healthy environment in Kenya's legal context: An appraisal," *Environmental Law Review* 22, no. 3 (2020): 184–97, https://doi.org/10.1177/1461452920952584; R Cecchi, "The environmental constitutionalism in east-africa: a comparation among Uganda, Kenya and Tanzania," *Federalismi.it* 2022, no. 21 (2022): 103–26, https://www.scopus.com/inward/record.uri?eid=2-s2.0-85141759039&partnerID=40&md5=64e829cb462e8ca8dc70f8631208967a.

[21] C Arreaga-Vicuña et al., "Rights of nature in global perspective: legal pathways and policy implications," *Frontiers in Environmental Science* 14 (2026), https://doi.org/10.3389/fenvs.2026.1647205; A A Mohammed et al., "Human rights and environmental justice: A legal framework for sustainable ecosystem management," *Environment and Social Psychology* 10, no. 10 (2025), https://doi.org/10.59429/esp.v10i10.3970.

[22] Leone, "The Constitution of Sierra Leone,1991"; Kaletski et al., "Does constitutionalizing economic and social rights promote their fulfillment?"; Johnson, "Strong (green) institutions in weak states: Environmental governance and human (in)security in the Global South."

benefit distribution, exclusion from decision-making, or adverse social and environmental consequences through constitutional litigation. The Constitution therefore creates a form of distributive constitutionalism without direct distributive enforceability.

The implication is that the burden of translating constitutional aspirations into operational legal duties shifts to ordinary legislation, particularly the Mines and Minerals Development Act, 2022. The Act repealed and replaced the Mines and Minerals Act, 2009 and introduced a framework aimed at improving exploration, mineral development, sale, and export for the socio-economic benefit of the people of Sierra Leone. It also seeks to facilitate transparent and accountable management of the minerals sector, improve employment practices, strengthen the welfare of communities affected by mining and related activities, and reduce the harmful effects of exploration and mining on life, property, and the environment. The key question, therefore, is not merely whether Sierra Leone's Constitution contains distributive principles, but whether the post-2022 statutory framework can compensate for constitutional non-justiciability by creating enforceable mechanisms for transparency, benefit-sharing, environmental protection, community development, and institutional accountability.

3.2. The Mines and Minerals Development Act, 2022 as a Statutory Mechanism for Equitable Resource Governance

The Mines and Minerals Development Act, 2022 represents a statutory response to the constitutional enforceability gap identified in the preceding section. Since Chapter II of the 1991 Constitution provides distributive and welfare-oriented principles without making them directly enforceable in court, the practical realisation of equitable resource governance depends heavily on ordinary legislation. The significance of the 2022 Act therefore lies in its attempt to translate broad constitutional aspirations concerning welfare, social justice, and public benefit into more concrete statutory duties in the mining sector. The Act expressly repeals and replaces the Mines and Minerals Act, 2009 and introduces new and improved provisions for mineral exploration, development, sale, and export for the socio-economic benefit of the people of Sierra Leone,[23] while also emphasising transparent and accountable management, improved employment practices,[24] community welfare, and stronger measures to reduce harmful effects on life, property, and the environment.

This statutory reform should not, however, be understood as a complete rupture from the 2009 framework. The 2009 Act already contained provisions on transparency,

[23] Maconachie dan Conteh, "Artisanal mining policy reforms, informality and challenges to the Sustainable Development Goals in Sierra Leone."

[24] G Hilson dan R Maconachie, "Entrepreneurship and innovation in Africa's artisanal and small-scale mining sector: Developments and trajectories," *Journal of Rural Studies* 78 (2020): 149–62, https://doi.org/10.1016/j.jrurstud.2020.06.004.

environmental protection, public access to environmental documents, community development, and community development agreements. In particular, it required qualifying small-scale and large-scale mining licence holders to have and implement community development agreements with primary host communities where their operations exceeded specified thresholds.[25] The contribution of the 2022 Act is therefore better understood as one of consolidation, specification, and institutional strengthening. It does not create distributive accountability ex nihilo; rather, it seeks to make community development, revenue allocation, disclosure, environmental and social safeguards, and regulatory oversight more structured within the statutory architecture of mineral governance.[26]

The most important distributive mechanism under the 2022 Act is the strengthened framework for community development. The Act defines a Community Development Agreement as an agreement intended to assist the development of mining communities affected by mining and mine-related activities, and it defines a Community Development Fund as a fund established as part of such an agreement.[27] It further provides that small-scale and large-scale mining licence holders must enter into and implement a Community Development Agreement with the primary host community, and that such agreements must specify consultative and monitoring frameworks through which communities may participate in planning, implementation, management, and monitoring.[28] This is significant because it shifts community development from a general welfare commitment into a statutory mechanism that can be monitored, approved, and made publicly accessible.

The creation of revenue-linked funds reinforces the distributive character of the 2022 framework. The Act requires the establishment of a Community Development Fund as part of each Community Development Agreement. It obliges licence holders to deposit not less than one percent of annual gross revenue into that fund. It also establishes a Mining District Development Fund for chiefdoms in mining districts not subject to Community Development Agreements, financed by the transfer of twenty percent of all mineral royalties.[29] These mechanisms are analytically important because they seek to connect mineral extraction to local development in a more rule-based manner. Yet their capacity to reduce inequality depends on how funds are governed, who represents the community, how priorities are selected, and whether local institutions possess sufficient capacity to manage and account for revenues.

---

[25] N H Mason, "Environmental governance in Sierra Leone's mining sector: A critical analysis," *Resources Policy* 41, no. 1 (2014): 152–59, https://doi.org/10.1016/j.resourpol.2014.05.005.

[26] Maconachie dan Conteh, "Artisanal mining policy reforms, informality and challenges to the Sustainable Development Goals in Sierra Leone."

[27] Maconachie, "Diamonds, governance and 'local' development in post-conflict Sierra Leone: Lessons for artisanal and small-scale mining in sub-Saharan Africa?"

[28] L Zulu dan S Wilson, "Whose minerals, whose development? Rhetoric and reality in post-conflict sierra leone," *Development and Change* 43, no. 5 (2012): 1103–31, https://doi.org/10.1111/j.1467-7660.2012.01788.x.

[29] Sigismond A Wilson, "Power and community engagement: Developmental impact of community development agreement in Kono diamond mining areas, Sierra Leone," *The Extractive Industries and Society* 21 (2025): 101578, https://doi.org/https://doi.org/10.1016/j.exis.2024.101578.

Transparency is another central pillar of the 2022 Act. The Act treats environmental and social reports, Community Development Agreements, and other identified reports as non-confidential, while applications, non-confidential agreements, and non-confidential reports submitted by past and present holders must be published and made open to public inspection during normal office hours. It also requires beneficial ownership disclosure by obliging holders to disclose details of persons holding participating interests in licences, with persons holding five percent or more interest required to declare such interests to the Agency and other authorised institutions. These provisions move Sierra Leone closer to international transparency norms in extractive-sector governance. However, their distributive impact depends not merely on formal disclosure obligations, but on whether disclosed information is accessible, timely, understandable, and usable by affected communities, civil society actors, regulators, and oversight institutions, as persistent challenges of systemic corruption and weak record-keeping practices continue to undermine transparency and accountability in Sierra Leone's governance system.[30]

The 2022 Act also strengthens the environmental and social governance dimensions of mineral regulation. It requires environmental and social reports, including environmental screening reports, environmental impact assessments, and environmental and social management plans, to be treated as non-confidential and made available to the public.[31] It further requires licence holders to obtain legally required environmental approvals, undertake public consultations where environmental screening or environmental impact assessment is required, submit environmental and social management plans, and provide financial assurance to guarantee compliance with environmental and social obligations, including site rehabilitation, resettlement, closure, or compensation of affected communities.[32] This framework is more than a technical environmental regime; it has distributive significance because environmental harm, livelihood disruption, resettlement, watercourse interference, and inadequate rehabilitation often determine whether mining communities bear disproportionate burdens while receiving limited benefits.

Nevertheless, the statutory promise of the 2022 Act remains conditional on institutional capacity and regulatory autonomy. Sierra Leone's mining sector continues to face implementation challenges associated with revenue administration, compliance monitoring, production reporting, and the governance of fiscal obligations. The IMF has observed that Sierra Leone is a resource-rich economy whose mining sector can help finance development, but it also notes that negotiated tax concessions, acute capacity challenges in revenue administration, and the need to strengthen revenue administration

[30] J A Kargbo, "Records Management in the Fight Against Corruption and Promotion of Good Governance in Sierra Leone," in *The Diverse Facets of Corruption in Sierra Leone*, 2024, 179–202, https://doi.org/10.1007/978-3-031-52958-0_10; E S Abdulai, *Freedom of information law and good governance: The curse of corruption in Sierra Leone*, *Freedom of Information Law and Good Governance: The Curse of Corruption in Sierra Leone*, 2021, https://doi.org/10.1007/978-3-030-83658-0.

[31] Mason, "Environmental governance in Sierra Leone's mining sector: A critical analysis."

[32] Mabey et al., "Environmental impacts: Local perspectives of selected mining edge communities in Sierra Leone."

continue to affect revenue performance.[33] These institutional constraints are directly relevant to the distributive analysis of the 2022 Act. A statute may create obligations for community development, transparency, environmental protection, and revenue allocation, but those obligations will remain weak if enforcement institutions lack adequate personnel, technical expertise, digital monitoring systems, financial independence, and political insulation.[34]

A related concern is community representation. The 2022 Act provides that Community Development Agreements are to be entered into by the holder and the primary host community, but where a primary host community is not identified, the Chiefdom Council or Local Council may be identified and agreed with the holder as the signatory.[35] Where no agreement can be reached on the signatory, the Minister determines the matter after consultation with the Board. This structure creates a necessary formal channel for representation, but it also raises a socio-legal question: whether the persons or institutions recognised as community representatives adequately reflect the interests of women, youth, land users, displaced persons, artisanal miners, and other affected groups. The risk is not that statutory participation is meaningless, but that participation may become formalised without becoming substantively democratic. Where local elites, traditional authorities, political intermediaries, or better-resourced actors dominate the process, Community Development Agreements may reproduce local power asymmetries rather than correct them.[36]

Table 2 summarises the main points of continuity and reform between the 2009 and 2022 mining frameworks.

Table 2. Comparison of Key Governance Provisions in the 2009 and 2022 Mining Acts

Provision area	Mines and Minerals Act 2009	Mines and Minerals Development Act 2022	Analytical implication
Community development	Required qualifying small-scale and large-scale licence holders to have and implement Community Development Agreements with primary host communities where statutory thresholds were met	Requires small-scale and large-scale licence holders to enter into and implement Community Development Agreements with primary host communities	The 2022 Act strengthens and generalises community development obligations rather than introducing them for the first time

[33] Fund, "Sierra Leone: Poverty Reduction and Growth Strategy."

[34] Yeboah-Assiamah, Muller, dan Domfeh, "Institutional assessment in natural resource governance: A conceptual overview."

[35] Wilson, "Power and community engagement: Developmental impact of community development agreement in Kono diamond mining areas, Sierra Leone."

[36] Henry Musa Kpaka, "Chiefs , Courts , and Upholding Property Rights : Quasi-Experimental Evidence from Sierra Leone," *The World Bank Economic Review* 39, no. 2 (2025): 341–61, https://doi.org/10.1093/wber/lhae026.

Community Development Fund	Community development obligations existed, but the cited 2009 framework was less explicit in creating a revenue-based statutory fund	Establishes Community Development Funds and requires deposits of not less than 1% of annual gross revenue	Converts community benefit-sharing into a more structured revenue-linked mechanism
Mining District Development Fund	No comparable royalty-transfer formula is evident in the cited 2009 provisions	Establishes a Mining District Development Fund financed by 20% of all mineral royalties for chiefdoms not covered by CDAs	Creates a broader distributive channel beyond immediate host communities
Transparency and public access	Included transparency objectives and public availability of environmental impact assessments and environmental management programmes	Treats environmental and social reports, CDAs, and non-confidential agreements as public-facing materials	Expands the documentary basis for public oversight
Beneficial ownership and participating interests	Required large-scale mining licence applications to identify shareholders who were beneficial owners of 5% or more of issued share capital	Defines beneficial owners and requires disclosure of participating interests of 5% or more to the Agency and authorised institutions	Strengthens ownership-related disclosure, although public accessibility depends on implementation
Environmental and social safeguards	Required environmental impact assessment, environmental management programmes, public consultation, public access to EIA/EMP, annual reporting, and financial assurance	Requires environmental and social reports, public consultation, environmental and social management plans, financial assurance, mine closure approval, and CDA linkage	The 2022 Act consolidates environmental, social, and community-development obligations within a more integrated governance framework
Licensing and oversight	Involved the Mining Cadastre Office, Minerals Advisory Board, and ministerial decision-making	Retains ministerial authority but strengthens the role of the Agency, Board consultation, cadastre recording, public tender for strategic minerals, and regulatory monitoring	Reduces some risks of opaque discretion, but effectiveness depends on administrative capacity and transparent implementation

Source: Author's compilation based on the Mines and Minerals Act 2009 and the Mines and Minerals Development Act 2022.

The central finding of this section is that the Mines and Minerals Development Act, 2022 partially addresses Sierra Leone's constitutional enforceability gap by relocating distributive and accountability commitments into statutory form. Its provisions on Community Development Agreements, Community Development Funds, royalty-linked district development, public disclosure, beneficial ownership, environmental and social safeguards, and community participation provide a more operational legal framework for

equitable resource governance. However, statutory design is not equivalent to distributive transformation. The Act can mitigate inequality only if its mechanisms are supported by capable regulators, transparent local representation, accessible public information, effective monitoring, and enforceable remedies. Without those conditions, the 2022 framework risks producing a legalised form of participation and benefit-sharing that appears robust on paper but remains vulnerable to weak enforcement, elite capture, and unequal bargaining power in mining-affected communities.

3.3. The Socio-Legal Gap: From Statutory Design to Distributive Outcomes

Building on the constitutional and statutory analysis developed above, this section examines why Sierra Leone's resource governance reforms remain vulnerable to a persistent socio-legal gap. The problem is no longer simply whether the Constitution contains distributive principles or whether the Mines and Minerals Development Act, 2022 creates community development, transparency, and environmental mechanisms. Rather, the central issue is whether those formal legal mechanisms can operate effectively within institutional settings shaped by limited regulatory capacity, informal extraction, uneven local representation, and entrenched political-economic asymmetries. In this sense, the Sierra Leonean case reflects a classic socio-legal tension between law on the books and law in action: progressive legal norms may exist formally, yet remain unable to alter distributive outcomes where the institutional conditions for enforcement are weak.

The first implementation constraint concerns regulatory and administrative capacity. Sierra Leone has pursued important extractive-sector reforms, including EITI participation, improved disclosure practices, licensing reforms, and measures intended to strengthen subnational accountability. EITI records that the extractive sector remains economically significant, contributing substantially to exports and government revenues, while its contribution to GDP and employment remains comparatively limited.[37] This pattern supports the distributive concern that mineral extraction may generate fiscal and export value without necessarily producing broad-based local welfare. EITI's validation process has also identified continuing challenges relating to the comprehensiveness of production, export, beneficial ownership, and contract-related data. These weaknesses matter because statutory mechanisms for transparency and benefit-sharing depend on reliable information, effective reporting, and accessible public oversight.

Revenue administration presents a related constraint. The IMF characterises Sierra Leone as a resource-rich economy whose mining sector could help finance development and debt sustainability, but it also identifies negotiated tax concessions and acute revenue-administration capacity challenges as factors hindering revenue performance.[38] These observations are directly relevant to the implementation of the 2022 mining framework. If

[37] (SLEITI), "SIERRA LEONE EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE (SLEITI) EITI REPORT."

[38] Fund, "Sierra Leone: Poverty Reduction and Growth Strategy."

fiscal authorities and mining regulators lack the capacity to verify production, assess taxable value, monitor royalty obligations, and enforce compliance, then statutory benefit-sharing and community development mechanisms may remain formally impressive but materially underperforming.

A second implementation constraint arises from the continuing importance of artisanal and small-scale mining. The statutory framework seeks to formalise and regulate mineral extraction, but artisanal mining in Sierra Leone remains closely associated with informality, rural livelihoods, and difficult licensing conditions. Maconachie and Conteh's study of artisanal mining policy reforms shows that informality remains a major challenge for aligning mining governance with sustainable development objectives.[39] The problem is not merely that artisanal mining occurs outside formal regulation; it is that informality creates revenue leakages, weakens environmental monitoring, reduces the traceability of production, and limits the capacity of the state to ensure that mining benefits are distributed through accountable channels.

The World Bank's strategic environmental and social assessment of Sierra Leone's mining sector reinforces this point by identifying three critical priorities for sustainable mining reform: strengthening environmental and natural resource governance, enhancing mining's contribution to local development, and incorporating artisanal miners into reform processes from the outset. These priorities remain analytically important because they show that distributive justice cannot be achieved by statutory drafting alone. It also requires a regulatory strategy capable of integrating informal miners, monitoring environmental impacts, and connecting mining revenues to local development in ways that are administratively feasible and socially legitimate.

A third constraint concerns community representation and the governance of Community Development Agreements. The 2022 Act strengthens the legal architecture for community development, but socio-legal effectiveness depends on who speaks for the community, how priorities are selected, and whether marginalised groups can participate meaningfully in negotiation and monitoring. Research on community development in Koidu, Kono District, shows that the developmental impact of CDAs must be assessed through the lens of power and community engagement rather than through formal legal existence alone.[40] Where traditional authorities, local elites, or politically connected

[39] Maconachie dan Conteh, "Artisanal mining policy reforms, informality and challenges to the Sustainable Development Goals in Sierra Leone."

[40] S A Wilson, "Corporate social responsibility and power relations: Impediments to community development in post-war Sierra Leone diamond and rutile mining areas," *Extractive Industries and Society* 2, no. 4 (2015): 704–13, https://doi.org/10.1016/j.exis.2015.09.002.

intermediaries dominate negotiation spaces, CDAs may reproduce unequal local power relations instead of correcting them.[41]

Gender and social inclusion further complicate the representational problem. Civil society research on mining revenues, women's participation, and benefit-sharing in Sierra Leone indicates that participation and beneficiation remain central concerns in mining communities.[42] This is important because community development mechanisms can appear participatory while still excluding women, youth, displaced households, land users, and other groups whose livelihoods are directly affected by mining.[43] A socio-legal analysis must therefore distinguish between formal consultation and substantive participation. The former satisfies procedural requirements; the latter requires access to information, bargaining capacity, inclusive representation, and mechanisms through which affected groups can contest decisions and monitor the use of community funds. [44]

Environmental and livelihood impacts illustrate the distributive consequences of this implementation gap. Studies of mining-edge communities in Sierra Leone report land degradation, deforestation, destruction of farmlands, inadequate access to clean water, air-quality concerns, and noise pollution as locally perceived impacts of mining. In Tonkolili, research on iron ore mining-induced land change shows that mining affected farming livelihoods by restricting access to farmlands within concession areas and polluting fertile swamplands outside mining precincts.[45] These findings are not merely environmental observations; they are distributive indicators. Where communities lose farmland, water access, forest products, or livelihood security while receiving limited development benefits, the burdens and benefits of mineral extraction become socially uneven.[46]

---

[41] S A Wilson, "Company-Community Conflicts Over Diamond Resources in Kono District, Sierra Leone," *Society and Natural Resources* 26, no. 3 (2013): 254–69, https://doi.org/10.1080/08941920.2012.684849.

[42] I Baddianaah, "'If you don't go to site, they call you a lazy person': Drivers of women's participation in artisanal and small-scale mining: The case of rural northern Ghana," *Resources Policy* 98 (2024), https://doi.org/10.1016/j.resourpol.2024.105327.

[43] A F Ibrahim, B Rutherford, dan D Buss, "Gendered 'choices' in Sierra Leone: women in artisanal mining in Tonkolili District," *Canadian Journal of African Studies* 54, no. 1 (2020): 157–76, https://doi.org/10.1080/00083968.2019.1671207.

[44] B Rutherford, "The Moral Politics of Gendered Labour in Artisanal Mining in Sierra Leone," *Development and Change* 51, no. 3 (2020): 771–93, https://doi.org/10.1111/dech.12584.

[45] S A Wilson, C O Wilson, dan I K Moise, "Livelihood impacts of iron ore mining-induced land change in Sierra Leone: A time series analysis," *Applied Geography* 144 (2022), https://doi.org/10.1016/j.apgeog.2022.102713.

[46] R T Shackleton, "Loss of land and livelihoods from mining operations: A case in the Limpopo Province, South Africa," *Land Use Policy* 99 (2020), https://doi.org/10.1016/j.landusepol.2020.104825; A O Akanwa dan N N Joe-Ikechebelu, "Sustainable natural resources exploitation: Clay/sand mining on diminishing greener security and increased climate risks in Nigeria," in *Natural Resources Conservation and Advances for Sustainability*, 2021, 545–62, https://doi.org/10.1016/B978-0-12-822976-7.00018-1; L Pakmoni, W Chaiyapa, dan T B Udimal, "Examining the effects of mineral extraction on rural households' sustainable livelihoods in Ghana," *Mineral Economics*, 2026, https://doi.org/10.1007/s13563-025-00593-9.

The accountability problem is also legal and institutional. Affected communities and workers may have access to statutory procedures, administrative complaints, human rights monitoring, or rights-based arguments in serious cases, but the practical availability of remedies depends on institutional responsiveness, legal resources, administrative review, judicial accessibility, and the willingness of regulators to enforce obligations against powerful actors. The Human Rights Commission of Sierra Leone's 2025 press statement on Koidu Limited illustrates the presence of non-judicial accountability mechanisms, as the Commission reported previous monitoring exercises, fact-finding missions, and engagements with both company management and the Ministry of Employment, Labour and Social Security concerning labour, hygiene, wage, water-access, and livelihood-related rights issues. However, such interventions also show that administrative and human rights oversight may depend heavily on institutional follow-up and government responsiveness. In parallel, the Koidu-related litigation in Aiah Fengai & 73 Others and Marginalised Affected Property Owners v. Octea Limited et al. illustrates that judicial pathways are not absent in Sierra Leone's mining governance context.[47] The Court of Appeal overturned an earlier High Court decision that had struck out the affected communities' claims on jurisdictional and standing grounds, and the Supreme Court later dismissed the defendants' appeal, allowing the case to proceed before the High Court. Yet this procedural trajectory also demonstrates that rights-based accountability remains difficult, slow, and dependent on sustained legal mobilisation. It should therefore be treated as a partial and uncertain corrective, not as a sufficient substitute for effective regulatory enforcement. [48]

Table 3 synthesises the principal institutional and socio-legal barriers that constrain the implementation of Sierra Leone's post-2022 mining governance framework.

Table 3. Institutional and Socio-Legal Barriers to the Implementation of the Mines and Minerals Development Act 2022

Barrier	Institutional or legal locus	How it constrains implementation	Distributive consequence
Limited regulatory capacity	National Minerals Agency, environmental regulators, revenue authorities	Weakens production verification, compliance monitoring, environmental supervision, and revenue assessment	Reduces the ability of the state to convert statutory obligations into enforceable distributive outcomes
Revenue-administration constraints	Fiscal authorities, royalty collection, tax administration	Negotiated concessions and limited administrative capacity may reduce revenue capture from mining	Limits the fiscal base available for public welfare and local development

[47] Richard, "a Court of Appeal Overturns High Court Ruling in Landmark Human Rights and," Advocates for Community Alternatives, 2025.

[48] Human Rights Commission of Sierra Leone, "PRESS STATEMENT IMPASSE BETWEEN WORKERS AND THE MANAGEMENT OF KOIDU LIMITED Monday," *Human Rights Commission of Sierra Leone*, 2025.

Informal artisanal and small-scale mining	ASM licensing, rural mining economies, local governance structures	Extraction remains partly outside formal monitoring, reporting, and environmental control	Creates revenue leakage, weak traceability, environmental harm, and uneven benefit distribution
Weak community representation	CDA negotiation and monitoring structures	Traditional authorities, local elites, or intermediaries may dominate consultation and decision-making	Marginalised groups may be excluded from benefit-sharing and local development priorities
Gender and social exclusion	Community participation, benefit-sharing, local development planning	Women, youth, displaced households, and land users may lack bargaining power and access to information	Formal participation may fail to produce inclusive or equitable development outcomes
Environmental monitoring deficits	EIA, ESMP, rehabilitation, closure, compensation mechanisms	Limited field monitoring and technical enforcement may delay or weaken environmental compliance	Communities may bear livelihood, land, water, and health-related burdens without adequate remedy
Weak accountability pathways	Courts, administrative review, regulatory enforcement, complaints mechanisms	Legal redress may be slow, costly, uncertain, or dependent on sustained legal mobilisation	Communities remain dependent on political advocacy and administrative discretion

Source: Author's synthesis based on EITI, IMF, World Bank, statutory materials, and socio-legal literature on mining governance in Sierra Leone.

The central finding of this section is that Sierra Leone's distributive deficit is produced not by legal absence alone, but by the interaction between legal design and institutional reality. The Constitution provides distributive principles without direct enforceability; the 2022 Act translates some of those principles into statutory mechanisms; yet weak regulatory capacity, informal extraction, uneven community representation, and limited accountability pathways constrain the ability of those mechanisms to produce material redistribution. The result is a legalised distributive deficit: a condition in which law recognises transparency, participation, benefit-sharing, and environmental protection, but the social and institutional conditions necessary to realise those commitments remain insufficiently developed.

This does not mean that the Mines and Minerals Development Act, 2022 is insignificant. On the contrary, it represents a more advanced statutory framework for connecting mineral extraction to community development, disclosure, environmental safeguards, and accountable governance. Its limitation lies in the fact that statutory reform cannot, by itself, dismantle the political-economic structures through which extraction has historically been mediated. Where enforcement institutions remain under-resourced, where local representation is socially unequal, and where communities lack effective remedies, progressive legal reforms may formalise participation and benefit-sharing without transforming the underlying distribution of power. The socio-legal challenge for Sierra Leone is therefore not merely to adopt stronger mining laws, but to institutionalise the conditions under which those laws can discipline extractive power and convert mineral wealth into equitable development outcomes.

4. Conclusion (bold, 12 pt)

This article has examined why Sierra Leone has not fully translated its mineral wealth and post-conflict legal reforms into equitable and sustainable development outcomes. The analysis shows that the problem cannot be explained solely by the resource curse thesis or by the absence of legal reform, but by the interaction between constitutional non-justiciability, statutory ambition, institutional capacity, and local political-economic asymmetries. The 1991 Constitution provides important normative commitments to welfare, social justice, equality of opportunity, and the public use of natural resources; however, the non-justiciable status of the Fundamental Principles of State Policy prevents these commitments from operating as directly enforceable legal claims. The Mines and Minerals Development Act, 2022 partially responds to this constitutional enforceability gap by strengthening Community Development Agreements, revenue-linked community and district development mechanisms, transparency obligations, and environmental and social safeguards. Yet statutory design is not equivalent to distributive transformation. Its effectiveness remains contingent on regulatory capacity, reliable production and revenue data, transparent local representation, environmental monitoring, and accessible accountability mechanisms.

The central contribution of this article is to conceptualise Sierra Leone's resource governance problem as a legalised distributive deficit: a condition in which law formally recognises transparency, participation, community development, benefit-sharing, and environmental protection, but the institutional and political conditions necessary to produce material redistribution remain weak. In Sierra Leone, this deficit is generated by the combined effects of non-justiciable constitutional principles, uneven statutory enforcement, informality in artisanal and small-scale mining, elite capture risks in community representation, and limited remedies for affected communities. The Sierra Leonean case therefore contributes to broader debates on constitutionalism, natural resource governance, and distributive justice in resource-rich states of the Global South by showing that progressive legal frameworks may reproduce extractive inequality where enforceability, regulatory autonomy, administrative capacity, and meaningful community participation remain insufficient. As this article relies on doctrinal analysis and secondary socio-legal materials, future research should examine how Community Development Agreements, revenue-sharing mechanisms, environmental safeguards, and remedies operate in specific mining-affected communities. For Sierra Leone, the central reform challenge is not merely to modernise mining legislation, but to institutionalise enforceability so that mineral wealth can be converted into equitable and sustainable development.

5. References

(SLEITI), Sierra Leone Extractive Industries Transparency Initiative. "SIERRA LEONE EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE (SLEITI) EITI

REPORT," 2024.

Abdulai, E S. *Freedom of information law and good governance: The curse of corruption in Sierra Leone*. *Freedom of Information Law and Good Governance: The Curse of Corruption in Sierra Leone*, 2021. https://doi.org/10.1007/978-3-030-83658-0.

Akanwa, A O, dan N N Joe-Ikechebelu. "Sustainable natural resources exploitation: Clay/sand mining on diminishing greener security and increased climate risks in Nigeria." In *Natural Resources Conservation and Advances for Sustainability*, 545–62, 2021. https://doi.org/10.1016/B978-0-12-822976-7.00018-1.

Arreaga-Vicuña, C, M J Blum-Moarry, D Hoyos-Valarezo, J Diaz-Montenegro, A E Miranda Romero, J Chiliquinga-Amaya, M Faytong-Haro, dan P Alvarez-Muñoz. "Rights of nature in global perspective: legal pathways and policy implications." *Frontiers in Environmental Science* 14 (2026). https://doi.org/10.3389/fenvs.2026.1647205.

Auty, Richard M. "How Natural Resources Affect Economic Development." *Development Policy Review* 18, no. 4 (1 Desember 2000): 347–64. https://doi.org/https://doi.org/10.1111/1467-7679.00116.

———. "Resource Curse." In *International Encyclopedia of Geography*, 1–10, 2017. https://doi.org/https://doi.org/10.1002/9781118786352.wbieg0423.

Baddianaah, I. "'If you don't go to site, they call you a lazy person': Drivers of women's participation in artisanal and small-scale mining: The case of rural northern Ghana." *Resources Policy* 98 (2024). https://doi.org/10.1016/j.resourpol.2024.105327.

Bannon, Ian, dan Paul Collier. *Natural Resources and Violent Conflict*. *The World Bank*. Washington DC, 2003.

Bilchitz, David. "Constitutionalism, the Global South, and Economic Justice." In *Constitutionalism of the Global South: The Activist Tribunals of India, South Africa, and Colombia*, diedit oleh Daniel Bonilla Maldonado, 41–94. Cambridge: Cambridge University Press, 2013. https://doi.org/DOI: 10.1017/CBO9781139567114.003.

Cecchi, R. "The environmental constitutionalism in east-africa: a comparation among Uganda, Kenya and Tanzania." *Federalismi.it* 2022, no. 21 (2022): 103–26. https://www.scopus.com/inward/record.uri?eid=2-s2.0-85141759039&partnerID=40&md5=64e829cb462e8ca8dc70f8631208967a.

Collier, Paul. *The Bottom Billion: Why the Poorest Countries Are Failing and What Can Be Done About It*. *Oxford University Press*. Oxford, 2007.

Conteh, S, dan V Maru. "How Sierra Leone Enacted One of the Most Progressive Land, Climate, and Environmental Justice Laws in the World." *Environmental Justice* 17, no. 6 (2024): 404–12. https://doi.org/10.1089/env.2023.0032.

D'Angelo, L. "Who owns the diamonds? the occult eco-nomy of diamond mining in Sierra Leone." *Africa* 84, no. 2 (2014): 269–93. https://doi.org/10.1017/S0001972013000752.

Diedericks, M, F Dube, dan A du Plessis. "Involving South Africa's Human Rights Commission in environmental protection: South African Human Rights Commission v Msunduzi Local Municipality." *South African Journal on Human Rights* 39, no. 2–3 (2023): 236–50. https://doi.org/10.1080/02587203.2023.2277288.

Engwicht, N, dan C Ankenbrand. "Natural resource sector reform and human security in post-conflict societies: Insights from diamond mining in Sierra Leone." *Extractive*

Industries and Society 8, no. 4 (2021). https://doi.org/10.1016/j.exis.2021.100988.

Fayiah, M. "Mining and Environmental Degradation: A Gift Brings Grief Scenario for Mining Communities in Sierra Leone." *Journal of Mining and Environment* 11, no. 2 (2020): 347–61. https://doi.org/10.22044/jme.2020.8808.1770.

Fund, International Monetary. "Sierra Leone: Poverty Reduction and Growth Strategy." Washington DC, 2024.

Harvey, R. "The resource curse." In *Elgar Encyclopedia of African Politics*, 421–27, 2026. https://doi.org/10.4337/9781035309306.00079.

Hilson, G, dan R Maconachie. "Entrepreneurship and innovation in Africa's artisanal and small-scale mining sector: Developments and trajectories." *Journal of Rural Studies* 78 (2020): 149–62. https://doi.org/10.1016/j.jrurstud.2020.06.004.

Human Rights Commission of Sierra Leone. "PRESS STATEMENT IMPASSE BETWEEN WORKERS AND THE MANAGEMENT OF KOIDU LIMITED Monday." *Human Rights Commission of Sierra Leone*, 2025.

Ibrahim, A F, B Rutherford, dan D Buss. "Gendered 'choices' in Sierra Leone: women in artisanal mining in Tonkolili District." *Canadian Journal of African Studies* 54, no. 1 (2020): 157–76. https://doi.org/10.1080/00083968.2019.1671207.

Johnson, McKenzie F. "Strong (green) institutions in weak states: Environmental governance and human (in)security in the Global South." *World Development* 122 (2019): 433–45. https://doi.org/https://doi.org/10.1016/j.worlddev.2019.06.010.

Kaletski, Elizabeth, Lanse Minkler, Nishith Prakash, dan Susan Randolph. "Does constitutionalizing economic and social rights promote their fulfillment?" *Journal of Human Rights* 15, no. 4 (1 Oktober 2016): 433–53. https://doi.org/10.1080/14754835.2015.1103159.

Kargbo, J A. "Records Management in the Fight Against Corruption and Promotion of Good Governance in Sierra Leone." In *The Diverse Facets of Corruption in Sierra Leone*, 179–202, 2024. https://doi.org/10.1007/978-3-031-52958-0_10.

Kashwan, Prakash. "Integrating power in institutional analysis : A micro-foundation perspective." *Journal of Theoretical Politics* 28, no. 1 (2015): 1177. https://doi.org/https://doi.org/10.1177/0951629815586877.

Kpaka, Henry Musa. "Chiefs , Courts , and Upholding Property Rights : Quasi-Experimental Evidence from Sierra Leone." *The World Bank Economic Review* 39, no. 2 (2025): 341–61. https://doi.org/10.1093/wber/lhae026.

Leone, Parliament of Sierra. "The Constitution of Sierra Leone,1991." *Government of Sierra Leone*. Freetown, 1991.

Mabey, P T, W Li, A J Sundufu, dan A H Lashari. "Environmental impacts: Local perspectives of selected mining edge communities in Sierra Leone." *Sustainability (Switzerland)* 12, no. 14 (2020). https://doi.org/10.3390/su12145525.

Maconachie, R. "Diamonds, governance and 'local' development in post-conflict Sierra Leone: Lessons for artisanal and small-scale mining in sub-Saharan Africa?" *Resources Policy* 34, no. 1–2 (2009): 71–79. https://doi.org/10.1016/j.resourpol.2008.05.006.

Maconachie, R, dan T Binns. "Beyond greed and grievance in Sierra Leone. Can diamonds play a role in post-conflict reconstruction?" *Zeitschrift fur Wirtschaftsgeographie* 51, no. 3–4 (2007): 163–75. https://www.scopus.com/inward/record.uri?eid=2-s2.0-38049188070&partnerID=40&md5=b57f306df04822fa1a437f42146a83be.

———. "Beyond the resource curse? Diamond mining, development and post-conflict reconstruction in Sierra Leone." *Resources Policy* 32, no. 3 (2007): 104–15. https://doi.org/10.1016/j.resourpol.2007.05.001.

Maconachie, Roy, dan Felix Conteh. "Artisanal mining policy reforms, informality and challenges to the Sustainable Development Goals in Sierra Leone." *Environmental Science & Policy* 116 (2021): 38–46. https://doi.org/https://doi.org/10.1016/j.envsci.2020.10.011.

Mason, N H. "Environmental governance in Sierra Leone's mining sector: A critical analysis." *Resources Policy* 41, no. 1 (2014): 152–59. https://doi.org/10.1016/j.resourpol.2014.05.005.

Mohammed, A A, I K Khinger, O A H Khamees, M F Ziboon, dan T K Y Al Hilfi. "Human rights and environmental justice: A legal framework for sustainable ecosystem management." *Environment and Social Psychology* 10, no. 10 (2025). https://doi.org/10.59429/esp.v10i10.3970.

Mwanza, R. "The relationship between the principle of sustainable development and the human right to a clean and healthy environment in Kenya's legal context: An appraisal." *Environmental Law Review* 22, no. 3 (2020): 184–97. https://doi.org/10.1177/1461452920952584.

Pakmoni, L, W Chaiyapa, dan T B Udimal. "Examining the effects of mineral extraction on rural households' sustainable livelihoods in Ghana." *Mineral Economics*, 2026. https://doi.org/10.1007/s13563-025-00593-9.

Richard. "a Court of Appeal Overturns High Court Ruling in Landmark Human Rights and." Advocates for Community Alternatives, 2025.

Rutherford, B. "The Moral Politics of Gendered Labour in Artisanal Mining in Sierra Leone." *Development and Change* 51, no. 3 (2020): 771–93. https://doi.org/10.1111/dech.12584.

Sachs, Jeffrey D., dan Andrew M. Warner. "Natural Resource Abundance and Economic Growth." *NBER Working Paper No. w5398*, 1995.

Shackleton, R T. "Loss of land and livelihoods from mining operations: A case in the Limpopo Province, South Africa." *Land Use Policy* 99 (2020). https://doi.org/10.1016/j.landusepol.2020.104825.

Wilson, S A. "Company-Community Conflicts Over Diamond Resources in Kono District, Sierra Leone." *Society and Natural Resources* 26, no. 3 (2013): 254–69. https://doi.org/10.1080/08941920.2012.684849.

———. "Corporate social responsibility and power relations: Impediments to community development in post-war Sierra Leone diamond and rutile mining areas." *Extractive Industries and Society* 2, no. 4 (2015): 704–13. https://doi.org/10.1016/j.exis.2015.09.002.

———. "Mining-induced displacement and resettlement: The case of rutile mining communities in Sierra Leone." *Journal of Sustainable Mining* 18, no. 2 (2019): 67–76. https://doi.org/10.1016/j.jsm.2019.03.001.

Wilson, S A, C O Wilson, dan I K Moise. "Livelihood impacts of iron ore mining-induced land change in Sierra Leone: A time series analysis." *Applied Geography* 144 (2022). https://doi.org/10.1016/j.apgeog.2022.102713.

Wilson, Sigismond A. "Power and community engagement: Developmental impact of community development agreement in Kono diamond mining areas, Sierra Leone." *The Extractive Industries and Society* 21 (2025): 101578. https://doi.org/https://doi.org/10.1016/j.exis.2024.101578.

Yeboah-Assiamah, Emmanuel, Kobus Muller, dan Kwame Ameyaw Domfeh. "Institutional assessment in natural resource governance: A conceptual overview." *Forest Policy and Economics* 74 (2017): 1–12.

https://doi.org/https://doi.org/10.1016/j.forpol.2016.10.006.

Zulu, L, dan S Wilson. "Whose minerals, whose development? Rhetoric and reality in post-conflict sierra leone." *Development and Change* 43, no. 5 (2012): 1103–31. https://doi.org/10.1111/j.1467-7660.2012.01788.x.