

The social regulation of livelihoods in unplanned settlements in Freetown. Implications for strategies of formalisation.

Abstract

This paper questions strategies of economic formalisation which prioritise the extension of state regulation as a means of extending access to labour protection and social protection. It draws on a research project on key livelihood systems, and their associated governance arrangements, in three unplanned urban settlements in Freetown, Sierra Leone. Our analysis of these fishing, and sand and stone quarrying livelihood systems highlights the collective systems of regulation of these sectors by a range of different state and non-state actors. Reviewing the contributions of these various arrangements we suggest that, instead of focusing on formalisation as pursued primarily through the extension of state regulation, it is also crucial to also explore means of working with the (informal) social arrangements through which these livelihood systems are governed.

Introduction

The treatment of informality in planning literature recognises the problematic nature of the term. On the one hand, the weaknesses of the ways in which informality has been defined, and the inadequacies of viewing formality/ informality as a dichotomy have been widely debated (Bunnell & Harris, 2012; Boananda-Fuchs and Boananda-Fuchs 2018; Marx and Kelling, 2019). On the other hand, the pejorative associations of informality, and the ways in which it has been characterised in terms of its consequences for development processes and outcomes have been critiqued, including its association with poverty and separation from capitalism (Basudeb et al; 2007; Roy; 2005) and the idea that informal practices operate in isolation from the state (Dovey; 2012).

While increasingly reflecting the nuanced understandings of informality promoted by this critical literature, working definitions of informality used by global institutions (such as the International

Labour Organisation) continue to include the absence of state regulation as one of the core criteria of informality (ILO, 2013) and by association, to include the extension of legal and policy frameworks as a key feature of strategies of formalisation (i.e. the gradual eradication of informality through the extension of formal arrangements) While, as we discuss below, the ILO see the extension of state regulation as only one possible strategy of formalisation, its inclusion implies that the extension of the regulatory role of the state is positively linked to a set of normative aims (i.e. the pursuit of the values that strategies of formalisation aim to deliver, such as decent work, or social protection).

This paper reviews the debates in the literature about the nature of informality, and the role state regulation versus other governance arrangements in extending labour and social protection. It then draws on research into livelihood systems (fishing, and sand and stone quarrying) originating in low income, self-built settlements in Freetown, Sierra Leone, to explore how economic activities characterised as 'informal' are regulated by a range of overlapping state and non-state actors and institutions, to a range of purposes. Analysing these hybrid processes of (state and social) regulation reveals the limits of focusing primarily on the extension of state governance as a means to achieve goals such as widening access to labour and social protection. Instead we suggest that it is more useful to analyse the governance of economic processes as a complex and overlapping set of regimes of regulation, which combine different relationships of governance towards a range of goals which may be competing or complementary.

The positive association of economic 'formality' with the extension of state governance

The most widely used working (for public policy purposes) definitions of the informal sector, or the informal economy, are arguably those provided by the International Labour Organization (ILO). The

key ILO Resolution on informality states that the "... 'informal economy' refers to all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements" (ILO, 2002, para 3). Informality is thus defined as lack of 'formal arrangements', but what these constitute is contested:

"One approach views enterprises in relation to the legal and administrative framework in force and defines the informal sector as being made up of enterprises that do not conform to this framework in some way. It assumes an intrinsic relation between non-registration and informality. The second approach views the informal sector as constituting a particular form of production, in terms of the way the enterprises are organized and carry out their activities." (ILO, 2013: 18)

These dual characterisations are reflected in the ILO's common operational definition of employment in the informal sector (as adopted in the Fifteenth International Conference of Labour Statisticians) which encompasses both views, using four core criteria; the *institutional sector* (excluding government/ public corporations, NGOs and international NGOs from the informal sector); the *final destination of production* (excluding production for own consumption); *registration of the economic unit under national legislation*, and; *book-keeping*, in addition to 3 subsidiary criteria which focus on the ownership and size of the enterprise (ILO, 2018). In this light, in addition to the nature of the enterprise, and the organization of production, a key feature defining (in)formality is an enterprise's level of legal registration with state bodies. This is in line with a foundational literature linking the informal economy clearly to regulation by, and/ or registration with, state bodies (Kanbur, 2009; Castells and Portes, 1989).

Drawing on such a view of informality, in many countries, including Sierra Leone, unregistered status of enterprises is one of the key features national definitions used for public policy. Accordingly, the official definition of informal employment in Sierra Leone is "...the sum of employment in unregistered establishments, unregistered employment in the formal economy and unpaid family

workers” (Statistics Sierra Leone, 2017; 30), again emphasising the lack of official registration with state bodies (or in the case of unpaid family workers, being beyond the reach of state scrutiny) as the marker of informality.

Working definitions, which characterise informality as a problem linked, at least in part, to the lack of state registration/ regulation imply that one strategy of formalisation is addressing informality by extending state centric systems of regulation, through instruments such as planning, or the law. This emphasis runs up against a number of problems. As with the wider critique of presenting formality/ informality as a binary, economic sectors do not clearly fall into categories of regulated vs unregulated by state actors. They may be regulated in some ways (e.g. taxation) but not in others (e.g. social protection of workers or quality control of output) and may be characterised by the regulatory presence of some state actors, but the absence of others. As Benjamin et al note regarding state regulation “...the question of what type of governmental body is being considered remains here: is it the central or local government, the administration in charge of collecting taxes or another one?” (2014; 9). Furthermore state regulation varies across economic sites and systems: much informal employment now takes place in what are considered to be formal enterprises (Williams & Lansky, 2013) and; looking at African urban economies Myers notes that urban value chains and services contain both formal (state regulated) and informal elements that are interdependent (2010).

In addition, given the plural nature of state institutions and actors it is problematic to approach ‘the state’ as monolithic and consensual. Empirical scrutiny of the state as a regulatory actor reveals complexity and contradictions (Corbridge et al , 2005). In this light, the state can rather be seen as a ‘..collection of heterogeneous administrative and bureaucratic fields, together with governmental and non-governmental institutions within which social actors struggle over authority, rules, legislation and discourses’ (Bourdieu & Wacquant, 1992, pp. 111). State actors involved in the regulation of economic activities are diverse (the police, labour inspectors, environmental protection

officers, law courts). Each have different priorities for what to regulate, how, and at what scale, and some of these may be in contradiction with each other. This highlights the problem of 'which' state should be extended as part of strategies for formalisation, and to what purpose. As Chen points out "In the past, the management or regulation of informal activities has often been relegated to social policy departments or, in urban areas, to those departments (such as the police or traffic) that deal with law and order issues" thereby treating the informal economy as a social concern or a law and order issue, rather than a focus for economic policy-makers (Chen, 2005; 26).

In this light, the focus of development policies which promote formalisation, such as the ILO Recommendation 204 on 'Transition from the Informal to the Formal Economy' (ILO, 2015) highlight the question of which formal arrangements should be extended and to what purpose? Thinking about the formalisation of the informal sector, advocacy organisations such as WIEGO (an international NGO working on informal women workers' rights), have highlighted the need to de-bundle the diversity of forms of regulation by the state and their different purposes (e.g. tax collection, the protection of private property and intellectual property, or the promotion of decent work) with reference to their impact on workers: '...it is important to ensure that formalisation offers the benefits and protections that come with being formal and does not simply impose the cost of being formal' (Chen, 2012, p. 15). In this vein, the ILO Recommendation 204 focuses on the extension of state regulation through legal and policy frameworks which is specifically designed to increase the reach of decent work and labour protection. To this end, WIEGO, which has collaborated extensively with the ILO on their strategies for informal workers, has highlighted that "...the informal economy is seen as comprised of all forms of 'informal employment' – that is, employment without formal contracts (i.e., covered by labour legislation), worker benefits or social protection – both inside and outside informal enterprises" (Chen, 2005; 9) defining informality not in terms of state regulation in general, but rather through the absence of state labour and social protection. In addition to which regulations should be extended, another question is whether regulation should be understood as a state centric effort. Institutions such as the ILO do recognise

the role of other actors in negotiating the terms of regulation (in the case of the ILO through tripartite relations between employers, employees and state actors), and also increasingly propose a role for non-state actors in carrying out the governance of decent work.. For example, the ILO's campaign to promote the labour rights of domestic workers (a notoriously informal and hard to govern area of employment) in line with ILO convention 189, has, in addition to promoting regulation and policy development by the state, also promoted non-state regulatory arrangements, by influencing social norms around the employment of domestic workers and changing relations between employers and employees through means such as "the development of model contracts, assistance to domestic workers in understanding their terms and conditions and, more generally, information and outreach activities to inform workers and employers of applicable laws" (Oelz, 2014: 164-165). However, while such alternatives are increasingly being explored, in many contexts (including Sierra Leone) the regulation of enterprises continues to be understood primarily as a state role.

Critique of the capacity of the state as lead actor for labour and social protection?

If a core component of economic formalisation is state regulation to extend labour and social protection, questions about the role this approach attributes to the state remain. Firstly, given the weakening influence the state in many global South countries in the context of economic globalization (Stiglitz, 2002; Friedman, 2002), is this something that the state has the capacity to deliver in all contexts, and secondly, is the state necessarily always the best placed actor to deliver these forms of protection?

In terms of the first question, relying on state governance to deliver labour and social protection is problematic in many cities of the global South where its capacity to govern the urban economy is limited, at best. This is evident in countries such as Sierra Leone where the majority of the economy and labour market operate beyond the routine purview of state officials. According to the 2015 census 92.9% of the economically active population in Sierra Leone are in informal employment (as

opposed to 7.1% in paid employment) (Statistics Sierra Leone, 2015) and, at the same time, state capacity to govern the economy low, and characterised by what the African Development Bank refer to as “persistent challenges in the governance environment” (AfDB, 2020: 24). This is arguably not unusual in many African economies, where, as Meagher notes ‘Even states have become informalised as public officials govern in ways that contravene formal relations, and downsizing public sectors concede an increasing range of governance activities to community organisations’ (Meagher, 2007, p. 406). Furthermore, this situation is not residual, but is actively reinforced by contemporary policy approaches promote the displacement of the state by the market as a key governance actor (Dagnino, 2007), through privatisation of state functions of and services, or calls for deregulation leading to diminished regulatory powers of state actors. Such processes are resulting in a model of development leading to regulatory regimes which diminish the focus on development goals such as labour protection - see for example Standing’s work on the ‘feminisation of labour’ (1999).

In terms of the second question (is the state necessarily always the best placed actor?) a range of authors have questioned whether the state should necessarily take leadership on the extension of social/ labour protection. The assumption that ‘development’ primarily constitutes the gradual extension of state led arrangements of governance has been challenged by alternative proposals.

On the other hand are those who critique the idea of the state as sovereign, flowing from the idealised Liberal model of citizenship. This model places the state at the centre of the creation and execution of the social contract to which processes of governance and regulation relate (Marshall, 1950). In contrast, many authors have highlighted that the assumption that the state regulates a social contract which serves the interests of all citizens is problematic. They argue that, in fact, the state, and its regulatory practices, frequently represent particular interests, as the literature on inclusive citizenship and the claims of excluded groups such as women, black people, or LGBT people, or religious or ethnic minorities has emphasised (Dagnino, 2009; Lister, 2007). Furthermore

other authors highlight that the extension of the state can also extend systems of coercion and exploitation (Ferguson, 1994) rather than the protection of the social contract. In this view, informality, and non-state governance arrangements, rather than being seen as a failure of the reach of the state, could be viewed as a deliberate response to the failures of existing structures of state-centric formality (e.g. a discriminatory system of state regulation). This view is implicit in a body of work on the political nature of informality, such as Holston's work on insurgent citizenship (Holston, 1999; 2009) or the work on everyday encroachment by slum-dwellers (Bayat, 2000).

The other side of the coin from questioning the central role of the state in governance, is validating the role of other actors or relations. If 'Governance is ultimately concerned with creating the conditions for ordered rule and collective action' (Stoker, 1998:17) then it is about the negotiation of collective norms that guide group interactions, and thus the rights and duties of citizens. In practice, the actions of the state describe only part of these processes. Governance can be undertaken *by* and *with* a number of actors.

This has been recognised by a range of authors, in particular those who have emphasised the importance of societal or community centred forms of governance. This has been key in developing an understanding of how common property resources are managed (Ostrom, 2010), as well as the regulation of private property through 'informal' land markets (Hornby et al 2017). The concept of governmentality, which constitutes the '...organised practices through which we are governed and through which we (consciously and unconsciously) govern ourselves.' (Cleaver, 2007: 228) also highlights the ways in which governance can be structured through a range of institutional forms, including through internalised social norms.

In this vein, the notion of the *social production of habitat* promoted by the Habitat International Coalition (HIC) rejects the characterisation of self-built settlements of the poor as 'informal settlements' and emphasises that urban spaces are governed and produced by a range of different

collective action and actors, which go beyond the state. As such they could be characterised as 'socially-produced settlements' rather than informal settlements, i.e.:

...the system which allows individuals, families, communities, and different social organisations, to produce housing and habitat in such a way as to control the fundamental decisions, either individually or jointly, through processes which tend to evolve toward more complex and effective forms (Romero, 2003; 15).

The concept of the social production of habitat thereby provides a different analytical perspective to the established focus on informality, by emphasising that the absence of the state does not necessarily imply an absence of governance of urban spaces, but that there can be (social) regulation outside the purview of the state.

As well as recognising that a range of actors, in addition to the state, are involved in the governance and the regulation of society, the literature on informality has highlighted that these non-state forms of governance are not necessarily separate alternatives to state governance, but rather often work with, and/ or in relation to state regulation. In this vein Dovey, exploring the relationship between informal practices and urban regulation and planning, argues that they "...cannot be seen as separate nor as dialectic relations but rather as overlapping, and resonating together in assemblages" (Dovey 2012; 376). If, therefore, state and social/ 'informal' systems of regulation work in relation to each other, in systems, or assemblages, a key question is whether they work *with* each other towards a shared normative goal, thereby potentially realising what Song has called 'positive hybridity' (2016) between the state and informal actors, or at cross purposes and in contradiction to each other.

Such thinking about the roles of the state and other social actors in the regulation of the economy problematizes the promotion of a de facto strategy of 'formalisation', with the extension of state regulation at its core. What is perhaps needed instead is an analysis of which actors and relations are involved in the governance a given economic sector, or activity, to produce the regulations that

actually have traction in practice to create substantive, normative outcomes (such as labour or social protection).

Furthermore, explicitly interrogating the intentions of these different relations of regulation is key because, if the understanding of governance and the regulation of economic activities is broadened to encompass non state actors and relations, it has to be acknowledged that, as with state actors, not all social collective practices and the forms of regulation that they impose are necessarily benign. Thus for example while authors such as Holston (2009) and Bayat (2000) have worked to validate practices that work in opposition to state regulation, others have highlighted that such insurgent practices may be both emancipatory and highly problematic at the same time (Meth, 2010; Monson, 2015).

In this vein, understanding how/ whether strategies of formalisation through state regulation can lead to normative goals such as the extension of labour/social protection requires understanding:

- Which (state and non-state) actors and organisations and relations are central in regulating a given urban space or economic sector? and;
- What are the normative goals of the different forms of regulation produced by these actors?

The rest of this paper will explore some of these questions in practice drawing on research into livelihood activities in Freetown, Sierra Leone.

The regulation of livelihoods in low income settlements in Freetown.

This case study draws on the findings generated by a research project, funded by Comic Relief and conducted by the (ANONYMISED INSTITUTION) in partnership with (ANONYMISED INSTITUTION).

The research focused a number of unplanned settlements in Freetown, which are among the 72 settlements identified as slums in the city by the Sierra Leone Federation of the Urban and Rural

Poor (FEDURP) and Centre for Dialogue on Human Settlements and Poverty Alleviation (CODOHSAPA) (2015).

The research examined a number of typical livelihood sectors in which many residents of the case study settlements engage, to enhance an understanding of livelihood strategies that women and men employ. The main livelihood systems covered were stone quarrying, sand quarrying, and fishing. We set out to understand how these key livelihood systems the communities are structured, including their gender dimensions, and to explore the functions they serve for participants, as well as for the wider community and the city of Freetown. The purpose was to inform policy interventions that respond to the lived realities and priorities of low income residents, and the advocacy strategies of FEDURP and CODOHSAPA.

A number of data collection methods were used to explore these questions. Focus Group Discussions (a total of 26) were used to map value chains in each livelihood system, breaking them down into key nodes to explore who participates in each node and how, the power relations and supporting structures, and the impact on the wellbeing of those involved. An initial FGD was held to build an overall map of each value chain and then subsequent targeted FGDs were held with groups of workers from specific nodes in the chain. Time Use Survey (daily activity charts) were conducted with 44 participants (19 women and 25 men) and quantified to explore patterns across eight categories, broadly grouped under 'Work' (Productive work, Reproductive work, Community work and Travel time) and 'Personal Time' (Leisure, Sleep, Religious activities and Personal care). Livelihoods Life History interviews were conducted (with 27 women and men). Finally FGDs and interviews were conducted with non-government organisations working to support on livelihoods in informal settlements, and semi structured interviews were conducted with regulatory authorities in order to understand their actions and policy on the different livelihood sectors. To analyse the data, the time use data was quantified, aggregated, and compared across gender and different categories of workers, and the transcripts of the FGDs and interviews were analyzed through qualitative coding

and presented for validation and discussion at a workshop for organizations of the urban poor and policy makers held in Freetown.

The research had a dual purpose of documenting the livelihood systems, and of building capacity of local organizations to conduct gender sensitive research. Accordingly, building on a one week research workshop in February 2017, with around 30 participants, including residents of the four informal settlement communities that the research targeted, members of the Federation of Urban and Rural Poor in Sierra Leone (FEDURP-SL), the national Slum Dwellers International (SDI) affiliate, staff from the Freetown city government and representatives from an alliance of NGOs working on urban poverty in Freetown. The research activities described above were then conducted by five FEDURP members who attended the workshop, supported by two researchers from the (ANONYMISED INSTITUTION).

This paper focuses in particular on three of the livelihood systems that the research investigated: stone quarrying in Moyiba; sand mining in Cockle Bay, and; fishing in Portee-Rokupa, to understand the various ways in which these livelihoods systems are governed. As will be explored, while these are regarded as 'informal' economic sectors, in practice they can all be characterised as having well developed, but quite distinctive mixes of regulatory regimes in terms of who governs each of these economic activities and to what purpose and effect.

Stone quarrying in Moyiba

Moyiba is an unplanned neighbourhood in a hilly area in the east of Freetown, 5 km from the city centre. In 1966, a stone quarry was established in the settlement for the construction of major infrastructural projects in Freetown. It continued to operate until 2002, when it shut down due to the civil war. This quarry, which employed many local people, worked through a large scale mechanised process. Since the company shut down, self-employed, informal workers have taken over quarrying activities and work in different parts of the process and sell their outputs along the value chain of production. Women, men and boys work in stone quarrying though each group tends

to predominate in different nodes of production, with clear gender division of labour at every stage of the process. The main quarrying activities take place on the hilltop above Moyiba, reached by an unpaved access road, although there is also some quarrying at the bottom of the hill where there are houses in the same areas that stone extraction and breaking take place. The quarrying sites in Moyiba are on land which is publicly accessible and the stone is regarded as an open access resource. This is different from other hillside neighbourhoods in Freetown, such as nearby Dwozarck, where stones quarriers pay a fee to extract stones to the home owners from whose land they extract stones.

In addition to the closure of the commercial quarry in 2002, a number of other factors have also affected work in this sector. First, access to the site is periodically suspended by the police in response to accidents or disputes. Second, site access is intermittently interrupted by environmental conditions such as when heavy rains make the unpaved access road unusable. Nonetheless, quarrying remains an attractive source of livelihood as growing construction activities in post-war Freetown have raised the price of stone, and stone quarrying is increasingly in competition for land with housing, as the settlement of Moyiba continues to grow up the hill toward the quarry.

Sand quarrying in Cockle Bay

Cockle Bay is an informal settlement located along the Aberdeen Creek on the western coast of Freetown 5 km from the city centre. Sand mining in Cockle Bay is based on the mining of sand exposed during low tides in the lagoon of Aberdeen Creek. It is then transported and sold for use in the building industry across Freetown. Sand mining is one of the main subsistence livelihoods in the settlement, primarily employing young men (with women only involved where sand is collected for household construction use rather than for sale). Until the end of the 1990s, sand could be accessed close to the Cockle Bay community, so most sand mining was done manually with sand carried on head pans. Now because of over-exploitation, there is less sand available close to the community and there are increasing restrictions on where sand can be mined (with sand miners respecting

community restrictions on mining near the tidal area used as a community football field, and the bridge). As a result, sand mining now occurs in more distant sites and sand is transported by boat. The environmental impact of the sand mining on protected mangrove forests and on flood risk means that selling sand mined within the Cackle Bay outside the community is officially prohibited. Despite this, it is still widely practiced.

Fishing in Portee Rokupa

Portee-Rokupa is a coastal community in the east of Freetown, 10 km from the city centre. The main source of livelihoods for the community is petty trading and fishing. Over the years, the settlement has become one of the largest fishing communities along the coastline in the east of Freetown. The fishery sector in Portee-Rokupa includes fishing, the processing of fish through smoking and the sale of both raw and smoked fish. A range of different boat types are used for fishing which can be broadly divided into the large 'Ghana' boats (with a crew of 25-30) and the 'Capital' boats (with a crew of about 6).

There is no data on the number of people involved in the sector, but interviewees estimated that there are more than 100 boat owners and over 50 fish agents (who broker fish) in the community. Many of those we interviewed had either been born into or married into fishing families. It is also a sector which often employs an entire household with family members involved in different nodes of the fishing value chain (for example, women who are fish agents or processors are likely to have husbands who are boat owners or fishermen).

Access to fish markets are good due to the settlement's proximity to the Bai Bureh Road which is both the site of local wet markets and offers access to markets in the city centre. According to interviewees, people come from all over the city and even from other provinces to buy fish from Portee-Rokupa, and the women fish sellers from the community also sell their fish in the main markets elsewhere in the city.

Regulatory regimes in the livelihood sectors

During the research, a number of forms of regulation which had an impact on the livelihoods sectors were discussed by research participants. In terms of the normative aims of these processes of governance, a number of different, often overlapping, or contradictory, goals can be observed in collective regulation promoted by different actors. For example the goal of promoting the modern aesthetics of the city was arguably a central ambition for the city Mayor at the time of the research, as presented in the Freetown City Development Plan (FCC, 2015), and often implied the displacement of informal economic activities. On the other hand, a counter purpose at the level of the unplanned settlements was building community cohesion to resist eviction - for example, during our research on the sand livelihood system in the coastal community of Cockle Bay, one sand miner explained that local norms require that those working in the sector charge LE 3,000 (US\$ 0.3) for a bag of sand to residents of Cockle Bay, as opposed to LE 4,000 (US\$ 0.4) to outsiders, because:

....those who reside in the community are contributing to the development of the community, by the changing the structures to a more secured and permanent structures that change the face of the community, which reduces the threat to eviction.

Another interesting focus of regulation across the settlements related to the management of public order and behaviour, with many of the different trade associations related to the livelihood sectors imposing fines on workers in their sector for fighting and use of obscene language (with the monies raised through fines being invested into public infrastructure).

In the sections below we discuss four normative purposes of regulation in the livelihood sectors, namely those intended to: protect the local environment and reduce risk; manage market transactions and protect property arrangements; extend basic social welfare and protection to extremely poor residents, and; maintain gender norms. These do not represent all the regulatory

purposes which relate to these livelihoods – but these were critically the regulatory mechanism that research respondents were most active in reporting, and felt had an important impact on the ways in which they conduct their livelihood activities (i.e. these are the regulatory systems that have substantive impact from respondents’ point of view). Given the prominence often given to the role of the state in strategies for the formalisation of the economy, what is notable is the variance in the extent to which state actors and processes are involved in these key areas of regulation.

Protection of the environment and reduction of risk

While environmental protection and safety appear to be the key focus of official state regulation of the quarrying sector (i.e. the formal regulatory regime) this is poorly reflected in actual regulatory practice in Moyiba.

Stone quarrying officially falls within the domain of the 2009 Sierra Leone Mines and Minerals Act. This Act also contains a section on ‘artisanal mining’ (Part X) which specifies that any person or group conducting artisanal mining should apply annually for a license after first obtained the consent of the Chiefdom Mining Allocation Committee (CMAC). Furthermore (para 93), if mining activities are considered to be ‘dangerous or defective’ by an authorised officer, then they can be suspended. The reality of the governance of stone quarrying in Moyiba seems only to partly reflect this policy intention. On the one hand, in the case of those working in quarrying in Moyiba, none of our interviewees reported that they were licensed, either individually or as a cooperative, and among artisanal stone miners we found no evidence of knowledge of this requirement. The most organised group of workers in the sector in Moyiba, the stone contractors, explicitly told us during a FGD, ‘We do not have licenses to operate as stone contractors’. That said, there does seem to be some level of state regulation in the sector related to environmental risk, as research respondents indicated that there had been one period during which mining activities were suspended across the settlement by the police as a result of fatalities on the site (in 2014). Therefore, while mining

activities are not formally licensed, they do appear to be regulated to some extent by the authorities though in practice the active branch of the state is the police. However in relation to regulation to protect the local environment the only forms of regulation we were told about related to what were referred to as 'community by-laws' or local, socially monitoring and enforced norms, for example against mining in sensitive sites (for example in places which would undercut roads, footpaths or houses).

In Portee-Rokupa, in contrast, the official governance of fishing does seem to have had a more direct impact in terms of local environmental regulation, but it is important to note that the implementation of these regulations seems to be largely led by changes in local social norms and practices linked to state environmental regulations, rather than by state led inspection processes.

In Sierra Leone, the Ministry of Fisheries and Marine Resources officially has jurisdiction over managing and conserving fishery resources. The Department of Fisheries was established in the Ministry of Agriculture in 1988 as a result of the enactment of the Fisheries Management and Development Act No.4 of 1994, which is complemented by the 1995 Fisheries Regulations.

These acts and regulations have very little focus on artisanal marine fisheries of the kind conducted in Portee-Rokupa. The management of such artisanal fishery in Sierra Leone was devolved to local councils under the 2004 Local Government Act. The Act gave a specific mandate to local councils for licensing artisanal fishing canoes, and the use of the economic rent to develop their communities in complementing government support for local development. Under the Local Government Act 2004, the 'Standard 5-10' and 'Ghana' boats were classified as semi-industrial fishing crafts and managing these boats remains the responsibility of the central Government through the Ministry of Fisheries and Marine Resources (LGA, 2004). Under the supervision of the Ministry of Fisheries and Marine Resources, Local Councils work closely with the two officially recognised fishermen's associations (SLAFU and SLAAFU) in awarding licences and act together to foster responsible fishing. These

unions have been instrumental in enforcing fishing gear regulations and mitigating the high rate of fishing of juvenile fish stock.

Besides these efforts, there are also local bylaws on fishing administered by many communities. In most cases, fisher folks adhere to these rules. In the event of a violation, the relevant chiefdom authorities impose penalties.

Our interviewees confirmed the impact of these initiatives to govern artisanal fishing in Portee-Rokupa. The main formal governance initiatives that respondents mentioned as affecting their work were the requirement to stop using fine mesh nets (which caught juvenile fish) from 2008/2009, and the requirement for fishing teams to use safety gear (life jackets, manifests, etc.) from 2011/2012. Also mentioned was the designation of a bay area near Portee-Rokupa as a marine reserve for fish breeding (where no fishing can be done) since 2013. There was little evidence that the requirement to provide and wear safety gear is being implemented (and this was not something that boat owners mentioned as one of their responsibilities vis-à-vis the fishing crews). On the other hand fishermen have adopted the requirement to stop using fine nets, despite the costs implied (some boat owners said that they received financial assistance from government to purchase new nets, but others said that the requirement to purchase new nets meant that they had to interrupt their finishing while they saved to buy new nets). Notably, this ban on fishing for fingerlings appears to be largely enforced through local social governance institutions rather than through state enforcement. Thus, for example, one net mender told us,

...we do not mend or build nets used for fishing fingerlings as there is a government ban and community enforcement for such type of fishing since 2008. They believe that if people engage in fishing the fingerlings we are the responsible party knowing that fishing it means there is an available net for it.

The way that this environmental regulation has been internalised into local norms seems to reflect the 'positive hybridity' in co-governance of the informal sector that Song (2016) alludes to, and is in

interesting contrast to efforts at environmental regulation in other settlements involved in the research. For example, in Cockle Bay, where many residents engage in sand-mining in a conservation area of mangrove forest where this practice is officially banned, one interviewee told us:

We also have workers from National Protected Area Authority (NPAA) who stop us from mining sand from the sea because it is believed that it is the reason for high and usual rise in water level and tides, but we most times prevail on them with money and (they) allow us access and free operation.

In this case, state regulation is understood in practice as a barrier to production for sand miners, and as a source of rent for state officials, rather than in its official purpose, to protect environmental resources.

Managing market relations and different property arrangements

A second key area of regulation which is active across the settlements relates to the management of market relations and property rights.

In Moyiba while, as discussed above, there no formal registration of artisanal miners, several groups of workers involved in quarrying have occupational associations, registered with Freetown City Council (e.g the Loadmen's Association and the Nack Force Association), although their registration is not always current. Research respondents explained to us that these associations play a role in managing disputes across the sector, drawing again on locally know informal community 'bylaws' that regulate work in the sector and disputes over payment, and appropriate behaviour. Penalties for breaking such bylaws are fines, which are used by the community to fund infrastructure projects such as road maintenance. Some particular groups in the quarrying livelihood system, such as the 'petty buyers' who stockpile and trade in processed stones also regulate the sales practices of women working in the smaller stones processing, prohibiting them from direct sales of gravel if they have been provided stones by petty buyers. In Portee-Rokupa, there are similar systems of exchange

and credit of goods and labour on trust and similar collective knowledge of prices and exchange of fish by bucket or 'rubber'. These norms and bylaws have played a crucial role in establishing multiple relationships of interdependence between different actors in the value chains, linked to the core functions of the chain like (eg exchanging goods and services on credit). As one stone contractor in Moyiba explained:

Honesty is one thing that flows between us and the petty buyers, load men, drivers and that of the customers because, where there is no money, people bank on our integrity as honest people to entrust their monies in our hands which is usually the case.

In contrast to these customary norms about property and exchange rights, which are clearly important in regulating everyday practices in the sector, those involved in the research did not tell us about state interventions to regulate the property and market relations in sectors, apart from one episode (in 2015) in which mining in Moyiba was suspended across the settlement because of a land dispute at the quarry. Again the active part of the state involved in regulation was the police, and it appears that while this was a dispute relating to property rights, the purpose of the intervention was more related to public order than regulating property systems.

Again, as with environmental regulation, the key state actions (or inactions) in relation to property rights in Moyiba and Portee-Rokupa is the refusal to recognise tenure of slums and a programme of evictions. These actions do not have the management of these markets and property systems as their intended regulatory goal, but they do have a profound effect on the property of settlement residents, creating a baseline of insecurity from which many of their decisions about investment and livelihood practices flow.

Delivery of basic welfare/ social protection

One area of social regulation from which the state seems to be almost totally absent in the settlements is the management of institutions and norms to extend social protection to vulnerable

residents. Officially the 2011 National Social Protection Policy steers social protection efforts and the Ministry of Social Welfare, Gender and Children's Affairs, the National Ebola recovery strategy and the National Commission for Social Action are all involved in social protection programs, as are a number of NGOs. While there have not been comprehensive studies on social protection, existing data suggests that only 0.5% of GDP is spent on social insurance and 3.5% on social assistance (AfDB/OECD/UNDP 2017). This implies that, despite being a priority in key policy documents, social protection is limited in practice with few programmes available vis-à-vis the number of citizens living in poverty.

In contrast, community structures governing access to support for the poorest and giving insurance against vulnerability are extensive. In addition to the management of property and exchange relations another focus of local social regulation relates to ensuring that the poorest communities members have access to basic consumption and welfare including through the ability to participate in livelihood sectors. This is particularly evident in the quarrying sector in Moyiba where a number of stages in the value chains are 'open' (based on the quarry as a common property resources with relatively open access) and for which entry into the sector (based on fairly limited tools and skills) is easy. As one worker in the stone quarry in Moyiba observed:

Everybody is free to use the quarry. You only need to declare yourself to the existing members and they will willingly indoctrinate you.

Certain parts of the fishing value chain are similar in providing open access basic income for residents - for example the work of 'laymen' who wash and clean the fish and lay it out on smoking racks. These open access, low skill and low input parts of the value chains generally employ adolescents, elderly and single women on low incomes and in some cases children, many of whom are on very low and insecure incomes and who would otherwise face destitution. However, it should be emphasised that competition is high and income levels are low in these occupations, with many participants only earning enough to subsist, which, along with the use of child labour, , means

that there are trade-offs in terms of keeping these sources of income open in terms of decent work and protection against exploitation.

The livelihood sectors also form the basis for organisations of mutual assistance. Many of the trade associations mentioned above also act as informal mutual welfare societies. As one fish agent explained:

We have a club as fish agent that is used to seek our welfare. We also give financial assistance to our members who are not very strong like the others through loans.

Gender norms

While gender equality does not seem to be a key area of state governance in Sierra Leone, such that ‘...gender considerations are conspicuously absent in decision-making arenas and especially within the structures of policy makers’ (Fatou et al, 2017: 35), another key pattern that emerged from our research is the pervasive social regulation of gender norms, particularly in relation to market arrangements, including norms to reinforce the differential access to and control over resources of women and men working in the livelihood systems.

Both women and men (as well as, in some cases, boys and girls) participate actively in the livelihoods systems researched, but some of the particular roles in each systems are largely sex specific (or at times sex and age specific, with women and children working in some shared activities) revealing a clear and socially internalised gender division of labour. An overarching pattern in this gender division of labour is that women tend to work in stages of the sector with lower pay and less prestige. Where women do occupy powerful and better remunerated roles in the livelihood systems—for example where they play key brokering roles (such as the fish agents, who are all women) — these tend to be women whose male family members (husbands or fathers) also have important roles in the system, for example the wives of boat owners.

The rationale given by respondents for this gender division of labour is often based on physical strength. Thus for example the initial extraction ('Boss-boss') stage of stone quarrying in Moyiba is carried out exclusively by men, and the subsequent ('Cut-cut') stone breaking phase is, according to respondents, only done by women if they do not have a man to do it for them. An underlying rationale could be linked to the attitude that women's earnings are less important for household welfare. While it is not possible to capture an accurate picture of earnings, what is notable is that, cutting across the gender division of roles, women tend to work in less profitable activities in the chains. For example, in terms of self-reported earnings in the labouring stages of the stone quarrying chain, women's reported earnings were on average about 40 percent less than men's. This was justified by the fact that women are seen as secondary earners, whose income is seen as supplementing men's in two parent households. As one interviewee explained:

The family finds it difficult to cope with only one financial source of income from the father hence the women tend to join trades that can attend to the immediate needs of the family

Another striking difference in women and men's activities, which again appears to be regulated through social norms, relates to the time use patterns of women and men. Drawing on the data derived from daily time use research tools, we divided the reported time uses into generic categories which we grouped broadly into the two overarching categories of 'work' and 'personal time'. By 'work' we broadly meant activities that are critical for the wellbeing or support of the households or communities of those involved – as such work includes 'both paid and unpaid economic work as defined within the narrow production boundary of the SNA and unpaid care work (housework, care for people)' (Esquivel et al, 2008; 111). In contrast 'personal time' relates to time spent on activities which ICATUS (the International Classification of Activities for Time-use Statistics) defines as 'non-productive', which are conducted because they are fulfilling for, or enhance the wellbeing of, the individual engaging in these activities, and understood to be or discretionary (i.e. uses of 'free' time), rather than being seen as a responsibility.

Figure 1: Average time use patterns of women and men participating in the study

As shown in Figure 1, although individual time use patterns of women and men varied according to factors such as age, whether or not they had dependents, there is a broad overall difference in the pattern of the amounts of time women and men spend on what 'work' and 'personal time'. This appears to be underpinned by social norms about household responsibilities for care. Critically, while the women and men involved in the study spend a similar amount of time on sleep and personal care, women spend about a third of the time that men do on leisure activities, but far more on reproduction (unpaid care work for the household). Looking into the individual time use survey data, which is not reflected by these aggregated figures, we can see that the time burden imposed by reproductive work also has an age component. Young women in their early twenties spent far longer caring for their households, such that in practice it often became their primary working activity.

Conclusion

Looking at the three livelihood systems, and exploring some of the systems of formal state regulation and social regulation which structure these systems, we have highlighted a number of patterns which emerge. Firstly the livelihood systems are quite highly regulated, with norms that are well known and internalised by participants, but the primary source of this regulation is social practices rather than state actors, with the exception of the police, and in Cockle Bay the NPAA.

Thinking about strategies to 'formalize' the informal sector, the research findings regarding the three livelihood sectors in the Freetown settlements reinforce the relevance of the two questions outlined previously, namely:

- Which (state and non-state) actors and organisations and relations are central in regulating a given urban space or economic sector? and;

- What are the normative goals of the different forms of regulation produced by these actors?

In relation to the first question, it is clear that these 'informal' livelihoods are by no means unregulated. Rather, they are in to varying extents regulated by different branches of the state, primarily the maintenance of public order by the police, and, in Cockle Bay, interventions by the NPAA, but more importantly they are highly regulated by local social norms, and linked trade associations, with sets of rules and practices structuring the operation of these sectors which are well-known, and socially enforced. Furthermore, the role of the state in regulating these livelihoods is ambiguous: in many cases state enforcement/ delivery is absent (for example, licensing of miners, regulation of property rights, or delivery of social insurance to workers). In other cases (as with the interventions of the NPAA into sand mining) state regulation appears to be seen primarily as a source of rent for officials. The one area in which the state seems unambiguously present is through the medium of the police, with a view to maintaining law and order. On the other hand, where social and state systems or regulation are working towards a shared purpose, as with regulation of fishing in Portee-Rokupa, we can see the enforcement of state regulation through local social institutions and practices.

In terms of the second question, the different forms regulatory practice work towards a range of normative purposes and outcomes. Some aspects of state regulation are critical in terms of social goods such as environmental protection, whilst others are accused of acting as a source of rent for state officials, or a means of legitimising the displacement of low income residents. On the other hand local forms of 'social' regulation are critical in managing property relations and economic transactions which are central to people's livelihoods, and in ensuring access to basic income for the most vulnerable residents in the absence of official/ state social protection schemes. While social regulation did seem to be more influential than state regulation in extending social protection through access to livelihoods and mutual support, it has blind-spots (for example in terms of the

pragmatic acceptance of child labour) and arguably is at times a means to maintain and normalise unequal relations – for example, gender relations around economic opportunities in the livelihood systems, and the burden of unpaid care work.

Thinking about how this relates to international policy initiatives, including initiatives to ‘formalise’ the informal economy, the challenge presented is to think beyond the extension of state governance in ways which displace or replace the existing social regulation of livelihoods, to thinking about how formal state centric arrangements can work with and through social regulation, to promote goals such as decent work and social protection. While this potential for co-production of livelihoods governance between formal and informal/ social actors has been well demonstrated through research (for example, Song, 2016; Lindell, 2019) the next step is therefore perhaps to see it translated more explicitly into the global strategies that support decent work agendas and are translated into the public policies of countries such as Sierra Leone.

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