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SIERRA LEONE ELECTIONS: A REVIEW OF THE COUNTRY'S TRANSITION AND THE WAYS FORWARD.

INTRODUCTION

On November 17, 2012, Sierra Leoneans will be going to the polls to elect the country's parliament and executive president in what seems to be the test of how far the nation has come in its transition from a war ravaged nation to a burgeoning democracy on the continent.

The country ended its 10 years civil war in 2000. Since then, a range of political reforms have been underway, and two democratic elections have been successfully conducted; one in 2000 and the second in 2007. Moreover, in 2007 the opposition party, All People's Congress (APC), swept the polls to replace the incumbent Sierra Leone People's Party (SLPP) government at State House.

The SLPP was accused of massive corruption and wasting of donor funding intended for post-war rebuilding. The SLPP had argued that the problems the country was facing in the post-conflict period were enormous and many resources needed to be invested to rebuild and stabilize it. The APC President, then opposition leader in parliament, campaigned on zero tolerance on corruption. This was a campaign promise that resonated with the majority of young people in the country, who make up the greatest proportion of the unemployed, and are fed up with the rampant corruption.

Sierra Leone operates on a patronage based government, a system that has plagued the once 'Athens of West Africa' for many years since independence. During the immediate post-independence era, the country used a 'Westminster' type of parliamentary democracy and was regarded as the envy and pride of Africa. However, and sadly, the transition from Sir Milton Margai, the first prime minister, to his younger brother, Sir Albert Margai, after his death, ushered in the politics of identity based on regional and tribal allegiance.

A Free and Fair 2012 Election?

A strong democracy primarily evidenced by free and fair electoral processes is crucial at this point in the history of Sierra Leone. This will usher in a new era for Sierra Leoneans especially for good governance needed for the development of the country.

Sierra Leone is not lacking in democratic elections, but sadly the democracies are usually short-lived. In 1967, a democratic election ushered in a change of government from the two political parties as it did in 2007. This transition was still short-lived; a coup d'état immediately followed thus ending the nascent transition. In 1996, a democratic election brought in Dr. Tejan Kabbah's SLPP to power only to be toppled by a coup d'état on May 25, 1997.

Main Focus of the Campaign

Natural Resources seem to have dominated the campaign policy for both All Peoples' Congress (APC) and opposition Sierra Leone People's Party (SLPP) presidential candidates. It is pertinent to note at this juncture that natural resources in Sierra Leone have appeared to be more of a curse than a blessing. This assertion is based on the past experiences, which saw natural resources being the key factor for the numerous conflicts that have burdened the country. It is also safe to mention that it was these same natural resources that led to the creation of shadow states under President Siaka Stevens in the 1970s and his successor, Joseph Momoh in the 1980s. Diamonds fueled the ten years conflict and served as a lure for international actors who scrambled to control the diamond regions in the north. While it is established that diamonds did not necessarily cause the war, it unarguably prolonged it. These scrambles for diamonds led to the committing

of heinous atrocities by all the warring factions. The brutality of the conflict and the glaring nauseous banality with which arms were chopped off, eyes gouged, pregnant women disemboweled earned the country the inglorious and notorious emblem, 'blood diamond'.

The international community has owned up to its responsibility to protect citizens during conflict situation and vowed never to stand by and allow a people to debase humanity. It was on that note that the Special Court for Sierra Leone was set up to bring justice and reparation for victims of this ugly conflict. The court found eight people guilty of war crimes and crimes against humanity, amongst whom was a former president, President Charles Taylor, who was the sitting president of Liberia at the time of the conflict.

The incumbent president of Sierra Leone, President Koroma, one of whose campaign promises was to run the country like a business, attracted huge foreign direct investment into the country's mineral resources and several mining companies have taken lease with the government. Most of these lease agreements have remained state secrets and only the mining companies have access to them. Several civil society organizations have accused the government of extreme lenience with the mining companies an example being the tax exemptions/ holidays for mining companies, an act which is contradictory to the Sierra Leone Mines and Minerals Act of 2009. These criticisms have gone further to highlight government complacency in holding the mining companies accountable for environmental degradation and hazards. This double standard was occasioned by the lack of transparency and accountability, breeding mismanagement practices at the time of contract agreements.

Owing to these criticisms, the APC Party has stated in its campaign manifesto for the 2012 elections that it will review the existing mining agreements to ensure that the government and the people of Sierra Leone benefit from their natural resources.

The opposition SLPP has accused the incumbent APC government of selling out the country's wealth in exchange for personal wealth. It doubts the sincerity of the APC in fulfilling their election promises. SLPP has however promised that upon winning elections, it will renegotiate all mining and extractive resources to ensure effective utilization and the utmost benefit to Sierra Leoneans.

In a country where natural resources have played a major role in its destabilization, it behooves the political

elites to have the right laws and policies that will ensure transparency and maximum utilization of its natural resources. Both political parties do not differ in their aims and objectives as relating to the natural resources i.e. review the existing agreements and policies, but with specific as to the new approach.

The economy has not picked up as speedily as was expected, though there is a record growth in GDP, but this has not been realized into the GNP. Making it difficult for the ordinary people on the street to make their daily bread. The incumbent blamed the economic situation on the global recession and promised the investments will turn around the country. The Opposition, on the other hand, claimed the government just cannot handle the economic because it lacks the capacity to.

● **The Menacing Role of Corruption.**

This is a very sad bane of the Sierra Leonean society that has impacted negatively on the country's electoral processes. The parties have continuously engaged in claims and counter claims of corrupt practices. This is obviously what is termed the 'blame game'. There is no denial of the fact that corruption has forced Sierra Leone to the abyss of abject poverty. Corruption has also led to the breakdown of State institutions which precipitated the eleven years of conflict. It was as a result of the collapse of the State institutions that Shadow States were created, the aim of which was to remove vertical and horizontal accountability mechanisms.

The incumbent president came into power with a promise of a 'zero tolerance' for corrupt practices. He promised the nation a just and fair government: one in which there will be no 'sacred cows'. Subsequently after his election and based on this promise, he appointed an internationally respected man, Abdul Tejan Cole, as the new anti-corruption commissioner. Abdul Tejan Cole reviewed the anti-corruption laws and gave more powers to the commission to prosecute any corrupt officer, thus resulting in the prosecution of a former Attorney General. His resignation and immediate self-repatriation to the US was a shock to many and seriously cast a shadow on the incumbent's preparedness to tackle corruption. Unconfirmed reports indicated that he was frustrated out of the office after he indicted two top government ministers. Could it then mean that Abdul Tejan Cole touched 'sacred cows'? Tejan-Cole also stated that the government lacked political will to tackle corruption

and his office did not have the necessary support from the presidency. The promise by the government to appoint his successor did not change the situation.

The issue of these claims and counter claims of corrupt practices degenerated to accusations of fraud directed at the opposition party (SLPP) flag-bearer, Retired Brigadier Julius Maada Bio. The ruling party accused him of colluding in the misappropriation of oil funds.

The incumbent President's supporters have accused the retired SLPP presidential candidate of stealing the country's resources and stashing the proceeds in a bank located in the Cayman Islands when he was a military ruler. They went a step further to publish documents substantiating this assertion in pro-incumbent newspapers. They further claimed that the opposition leader sold the country's passports to foreigners and violated procurement regulations by offering huge contracts to his elder brother for the purchase of arms and ammunition. These arms were said to have never been delivered to the people of Sierra Leone.

Amidst these claims and counter-claims, it remains evident that corruption is a key issue. Bribery has become the order of the day, everyone wants to be tipped, from the Police officer to magistrates who request money before they can write judgments and grant bail, to journalists who want transportation refunds for attending press conference, to ministers who want some packages before they can listen to development proposals, to investors who definitely must give bribes to get the attention of a line ministry in order to be granted trade permissions. The list unfortunately is endless.

The solution to this sad situation is a strong political will and commitment by the government to fight corruption. It seems that Sierra Leone has a very long bridge to cross before it can get there; both presidential candidates seem to be lacking in both strength and will to fight corruption.

The Role of the Police in the 2012 Election

The Sierra Leone police force has come under immense criticisms of late. They have been accused of bias and showing strong tendencies to side with the ruling party. The role of the police in providing unbiased security for the 2012 elections is very crucial especially in a post conflict country like Sierra Leone.

While it is true that the police force has its own internal challenges ranging from logistics to technical support, the government and the international community have given minimal attention to their requests. Though the government has in the recent past recruited more police officers to compliment the man-power needed by the police force to provide security for the elections, the process of this recruitment has been frowned on by the opposition party because it claimed that there are traces of political and regional, ethnic bias. They specifically noted that the recruited personnel who are predominantly people of northern origin who are mostly supporters of the ruling party.

Just recently about five million USD worth of arms and ammunition were purchased and imported for the Sierra Leone Police to equip them for the election. This massive importation of arms has occasioned abuse by the police, a recent report recounted how the police engaged in several unwarranted shootings that killed several civilians in Calaba Town in the capital, and Bumbuna Village in the north, several property were also destroyed in the process. The Human Rights Commission public Inquiry on the Bumbuna incident has found the police to have been reckless and guilty of unlawful killing of citizens.

Thus the Sierra Leone Police force pose a major concern to Sierra Leoneans and the international community. The British government showed the greatest support and invested a reasonable amount of funds in training designed to strengthen the Sierra Leone police as a force for good. It is of vital importance that the police remain unbiased in this election and work towards ensuring the security of all Sierra Leoneans. The price of conflict is heavy and no Sierra Leonean is prepared for anarchy. This election however will serve as a test of the mantra, whether the Sierra Leone police has become 'a force for good'.

The SLP needs to be monitored; the recent newspapers reported on the newly formed partnership between the police and the civil society in order to create the Police Accountability Consortium is a welcome development. This is a laudable initiative to monitor the police and assist the police in achieving professionalism towards better security and protection of citizens during 2012 elections and beyond.

The government has decided to invite over seven thousand military personnel to assist with augmenting the police security mechanism. While it is clear that the military can assist a civilian government, the rationale for inviting the military to provide security during

elections is ill-advised. This military has a coup mentality and is just coming from war; despite its avowed transformation, giving them the opportunity to be out on elections day is recipe for coup. Apart, the military has also been accused for supporting the ruling party because its composition is made up officers mainly from the north.

● The Judiciary

The judiciary is another major concern. The role of the judiciary is paramount in the post-election processes. The Sierra Leonean judiciary has been dubbed 'the most corrupt institution' by a perception survey carried out by the Anti-Corruption Commission. This survey has led to the indictment of three judges even though the indictments have raised questions as to whether it is not as a result of the entrenched patronage system in the justice system of Sierra Leone. These justices have not been tried after four years of their indictment. It is a grave injustice to leave their lives hanging and the judiciary refusing to rise to its responsibility. The government had opted to seek international judges from the commonwealth and DFID while the three justices are still awaiting their fate and thus unable to perform their duties.

Many Sierra Leoneans have lost all confidence in the judiciary because of the justifiable assertion that 'the highest bidders get justice'. Cases last so long, some last for many years. Many litigants have so been so frustrated that they abandoned their cases. Recently the newspapers exposed the cynical and blatant violation of procedural and legal process while noting that even when judgments are finally obtained, execution becomes another cause for delay. Newspapers have also reported about cases where judgments have been obtained yet the bailiff's office will not execute the order of the court because a senior member of the judiciary is affiliated with the affected party. Lawyers within the judiciary are so dissatisfied and concerned with this state of affairs and have resorted to quietly and secretly leaking some of these abuses to the media.

The Sierra Leone Bar Association is politically divided, a situation which has not helped these issues in the least. There is even a talk of a possible action to usher in camps and school of thoughts based on the principles of the two ruling political parties in the country. This

has practically rendered the Bar Association useless and lacking of public confidence in the once revered profession. The bar association can be said to be completely inactive.

The judiciary needs to restore the hope of the people in the justice system. With these myriad of problems, Sierra Leonean express serious doubt as to the trustworthiness of the judiciary and election tribunals to settle election disputes. The recent report of judicial bias in the legal action for resolution of conflicts arising from nomination processes of the National Democratic Alliance has strengthened the people's opinion that the judiciary is poorly equipped to handle post-election suits. The case was assigned to Justice Cham. The question is, how can a judge who contested elections under the ruling party in 2007 sit on a politically sensitive case without occasioning bias as the judge is clearly an interested party in this suit? This judge clearly manifested bias when at the eleventh hour he granted an interlocutory injunction against the party for not presenting a presidential candidate. A decision is believed to have been influenced by the government.

Thus the NDA has, at various press conferences, alleged that the ruling party intends to seize this opportunity to form an alliance with the opposition party in a situation of run-off. Another instance is the case of the Independent Media Commission and the *Awareness Times*. *Awareness Times* is widely believed to be supporting the All Peoples Congress so when the media regulatory body, with the statutory authority to monitor media houses, banned the paper and three others, a case was brought against the regulatory body. The file was again assigned to same justice as in the NDA case. These tend to leave one with the impression that election cases may be assigned to political judges who will not be free to render a fair and unbiased judgment.

These were some of the reasons that occasioned the promulgation of the Public Election Act, 2012 which provided for the creation of an election offense court. These courts are yet to be set so election matters will still be dealt with by the regular courts whose ability to remain fair and just and neutral in handling these political cases we doubt.

The International Community: Can It be Trusted?

The international community: United Nations, Economic Community of West African States, European Union and the African Union, have played a major role in restoring peace and democracy to Sierra Leone. It was ECOWAS that first deployed its military to provide military support to Sierra Leone; the United Nations later lent its support. Sierra Leone is very grateful to the international community. The British government contributed immensely not just with military support but has continued to provide financial support to the government through its Department for International Development. The effort of the Nigerian government's contribution to the resolution of that conflict is greatly acknowledged.

As the 2012 election approaches, international observers especially the European Union observers are already in the country and working joining hands with the government and the people of Sierra Leone to ensure a free fair and credible election.

Both the ruling party and the opposition party are not best of friends with the international community. The All People Congress ruling party recently expelled the Special Representative of the UN Secretary General, Michael Schulenburg, from the country on the flimsy excuse that he criticised the president over the purchase of arms and ammunition for the police. The UN diplomat had questioned the rationale for buying arms and ammunition at the huge sum of five million United States Dollars for a country that is still recovering from war. The ruling party had also accused the UN Representative of romance with the opposition Party.

It should also be recalled that this was not the first time an international personality has been accused of taking sides with a political party Sierra Leone. In 2007, the SLPP accused the International Community, particularly the British High Commission and the U. S Embassy, for conspiring to unseat the SLPP government. The SLPP claimed the international community international community colluded in rigging the election. The then UNDP head, Victor Angelo, was accused of being the master mind of the plot to hire an IT specialist to manipulate the figures in the computer room at the National Elections Commission.

Pro APC newspapers have attacked the US Ambassador for his insinuations that there may be run-off.

While these accusations cannot be independently verified, it raises questions as to the integrity and neutrality of the international community in the forthcoming elections.

The Media Perspective

The media practitioners in Sierra Leone displayed lack of professionalism and are biased. Worse there are political party owned newspapers and party affiliated newspapers. But Sierra Leone enjoys a relatively free media environment, the exception being the criminal and seditious libel laws that remain a clog in the operationalization of a free media. There are over sixty five registered newspaper houses. There are community radio stations all over the country and two TV stations.

The media is the watch dog of the society and should be unbiased in their political support. This is not so in Sierra Leone, a lot of media houses have political undertone, in fact from their manner of reporting you would easily know which political party that they support. Example is the case of the Sierra Leone Broad Casting Corporation. The Sierra Leone Association of Journalists recently questioned the inclusion of former politicians as board members of the SLBC. The Journalist Association called on those with political alliance to resign from membership of the Board, a call that went unheeded.

The SLPP has also accused the SLBC of bias and also allotting more airtime to the ruling party and has gone ahead to suspend further participation on the TV and radio channels.

It is important to note that the law that established the SLBC disallows the station from advertising for a political party. Same law also forbids the financing of the station by any political party. SLBC currently advertises for the ruling party

It was for this reason of lack of professionalism and bias that led to the suspension of three media houses in September 2012. The Independent Media Commission was forced to suspend the Awareness Times, Independent Observer, Unity Now. The Awareness Times has challenged this action in the High courts in Sierra Leone but the matter is yet to be decided. The court however made an order granting them power to

continue publication pending when the matter is deliberated on. This has not only undermined the IMC, but has created room for more abuse and breach of professional conducts by media practitioners.

But the role of the media remains sacrosanct and it is hoped that for the purposes of the 2012 election, the media will rise up to its role as an unbiased umpire after which efforts should be intensified to sanitize the media.

● Civil Society

The role of civil society is paramount in the upcoming election: several institutions within the framework bracket of civil society have been engaged in various electioneering process. The most outstanding however is the National Elections Watch, a coalition of over five hundred civil society organizations. With support from DFID, NEW has established a Civil Society Election Engagement Process with the aim of engaging in voter education, electoral law reforms and oversight of elections monitoring bodies, monitoring of the elections itself and building the capacity of civil society.

However, the CSEEP process provides two million British Pounds to civil society, but almost half of the money goes to the service provider, a British non-governmental organization that is supposed to handle the finances and not only ensure transparency in the process, but provide capacity development for civil society. The service providers hire consultants from England to engage in these processes, and perhaps a way of spending most of the money. NEW Strategy has been criticized as trying to centralized civil society organizations under one framework and allowing only the bigger institutions to actually receiving funding. Further, NEW has been criticized for having the bulk of its management committee members hailing from a particular region - South East. In a country gravely divided on tribal and regional basis, such criticisms are not uncommon.

Whatever, the criticisms are NEW has been one of the strongest civil society coalition has stood the test of time. It has provided the non-state actors component of complementing state institutions in the electioneering process.

The United Nations office in Sierra Leone, as usual, refused to work within the NEW platform and set up another parallel civil society group. This group made up smaller groups and other organization has little or no experience in election observation and monitoring issues. The creation of what seems to be splinter group of civil society has further fragmented civil society groups and created a huge tension in the scramble for supremacy and resources.. Some members of NEW and independent observers note that the UN is notorious for setting up new civil society groups that they can control and will shy away from working with strong civil society organizations that will question their method and ways of doing things.

● Conclusions

Certainly, Sierra Leone seems to be on track if security, judicial and proper election monitoring mechanisms could be enhanced ahead of the elections in just about a week. State institutions like the judiciary, police, civil society, and the election monitoring bodies should maintain credibility and neutrality in the process. The international community hands off this process and observe to maintain its gaurantorship position that it has held for so long.

As we look forward to a peaceful election, it is our hope that Sierra Leone will pass this litmus test once again.

The African Forum for Democratic Studies is regional think tank with the focus of investigating and empirically analyzing democratic issues in Africa. It is an apolitical platform for impartial political view points.



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