



**STATEMENT OF THE NDI
PRE-ELECTION DELEGATION TO SIERRA LEONE'S 2007 ELECTIONS**

Freetown, March 19, 2007

This statement is offered by the National Democratic Institute's pre-election delegation to Sierra Leone. The delegation visited Sierra Leone from March 12 through March 19, 2007, and is the first of two delegations to assess the pre-election environment in advance of the July 28 presidential and legislative elections. The purposes of the delegation are to demonstrate the international community's interests in the development of a democratic political process in Sierra Leone and to provide an impartial assessment of the electoral environment at this point. The delegation conducted its activities in accordance with the laws of Sierra Leone and the Declaration of Principles for International Election Observation, and without interference in the elections process. NDI is also deploying eight long term observers, who will be in Sierra Leone in the months leading to the elections, as well as a 40-person international observer delegation that will monitor the process around election day.

The delegation was composed of experienced political and civic leaders as well as election experts from Africa and North America, and included: Hon. Karan English, former member of the United States House of Representatives (USA); Kwadwo Afari-Gyan, Chairman, Electoral Commission of Ghana (Ghana); Hon. Miria Matembe, former member of the Pan-African Parliament and member of Uganda's Constitutional Commission (Uganda); Matthew Frumin, former Senior Policy Advisor to the United States Department of State (USA); Cerue Konah Garlo, Coordinator of the Women's Nongovernmental Secretariat of Liberia (WONGOSOL) (Liberia); and Makram Ouaiss, NDI Senior Advisor (Lebanon). To assess the pre-election environment and the registration process, the team met with Sierra Leonean political and civic leaders, electoral authorities, government officials, and representatives of the media and the international community in Freetown. In addition, the delegation traveled to Bo, Bombali, and Kenema districts, to observe the registration process and meet with local political and civic leaders.

It is not the intention of the delegation to render a complete or definitive assessment of the election process at this time, given that the elections are yet to occur. Indeed, it is the people of Sierra Leone who, as citizens and voters, will determine the credibility of their elections and the country's democratic development. At the same time, NDI notes that the international community shares responsibility in helping to ensure that the Sierra Leonean people are able to exercise their electoral rights in their upcoming elections.

The delegation presents below a summary of its observations and recommendations that could enhance the credibility of the ongoing electoral process.

EXECUTIVE SUMMARY

Presidential and legislative elections scheduled for July 28, 2007 offer the people of Sierra Leone an opportunity to further consolidate the gains made since the end of armed conflict and the beginning of the current transition towards democratic governance. Credible national elections organized by the Sierra Leonean people would serve as an important step in the country's search for stability and the consolidation of peace and democratic governance.

These elections promise the opportunity for genuine competition for political power at both the presidential and parliamentary levels. That fact is very positive; however, it also raises the possibility of heightened political tensions, compounded by the logistical challenges of conducting national elections during the rainy season. Overall the delegation found that efforts are being made to conduct credible elections and congratulates the people of Sierra Leone, election officials, and political and civic leaders and activists for managing the process as well as they have to this point.

The National Elections Commission (NEC) is gaining credibility as an effective institution that can operate independently. There has been active participation by political parties in different aspects of election preparations, a determination by civil society to enhance citizen participation and oversight of the electoral process, and an effort by the police to be neutral and to create a safe environment for all stakeholders to campaign freely in all parts of the country. The media has shown intent on informing, engaging, and educating the public about the political and electoral system. The development of the Political Parties Code of Conduct, the Media Code of Conduct, the Guidelines and Code of Conduct for Observers for the 2007 Election Process, and the appointment of the Political Parties Registration Commission (PPRC) bode well for this and future elections.

The delegation notes, however, that there have been limited incidents of concern in the registration process. Moreover, the process faces challenges including the potential for substantial political tension, logistical difficulties and limited resources for key institutions. The challenges going forward will require active efforts by all the stakeholders to ensure that the process is a successful one. It will be important to consolidate the mechanisms to resolve inter-party disputes. The NEC, political parties, civic groups and the media should intensify civic education so that voters are well informed about the processes, especially in the rural areas.

One concern that consistently arose related to claims that some registrants had to travel long distances to reach a registration center. The NEC and the political parties should collaborate to identify precisely in which areas registration centers were difficult to reach given the distance and explore options to address this problem and ensure easier access for voters on election day. Finally, political parties should work to maintain a high level

of women representation by ensuring that they are selected as candidates and given the necessary support to campaign.

Additional observations and recommendations are listed in the body of the report below.

ELECTORAL CONTEXT

A complete assessment of an election must take into account all aspects of the election process including, among other things: the legal framework; the registration process including the exhibition of voter rolls for clarification and challenges; the candidate selection process; the role of political parties and civil society organizations; the role of the media; the performance of the NEC; the campaign period; conflict prevention and resolution mechanisms available to political parties and citizens; and the overall security environment that can facilitate or inhibit citizen participation in the electoral process. The pre-election period is critical to understanding and evaluating the degree to which elections will be open and democratic.

Many Sierra Leoneans see the upcoming elections as a critical step towards anchoring democracy and sustainable peace. At the same time, Sierra Leone, as other countries emerging from conflict, suffers from weak institutions and a dilapidated infrastructure. The 2007 elections will be NEC's first experience organizing elections with a limited United Nations (UN) presence since the Lomé 1999 peace accords.

The Electoral Framework: Under the 2002 Electoral Laws Act legislative elections were held to elect a parliament of 124 members of which 112 were popularly elected through a proportional representation process and 12 were Paramount Chiefs elected by the chieftom district councils from the country's 14 districts. In accordance with the 1991 constitution, a new delimitation exercise to move to a single-member constituency-based electoral system was begun by the NEC in early 2006. The new delimitation exercise which lasted for approximately nine months was conducted by the NEC in close collaboration with the political parties and civil society, and was ratified by parliament on November 22, 2006.

The move to a single member constituency-based system is likely to increase accountability between elected representatives and voters, and it could also enhance citizens' interest in the electoral results. At the same time, it will raise political stakes for individual candidates in their constituencies.

For the presidential race, should none of the candidates obtain an absolute majority of 55 percent of the total vote cast in the first round, a run-off election will be held between the top two vote-getters within 14 days of the announcement of results.

Elections Timeline: Consistent with the constitution, on August 4, 2006, President Ahmad Tejan Kabbah called for elections to be held on July 28, 2007. Concerns were raised that holding the election during the peak of the rainy season would exacerbate the already enormous logistical challenges of transporting voter materials and prevent easy travel for voters. Many of the people interviewed by the delegation explained that it

would have been difficult to avoid holding elections in July 2007, given the need to conduct a delimitation process, move to a constituency-based electoral process, and respect the timeline for registration, exhibition of voter rolls for verification and challenges, candidate nomination period, campaign period, as well as the time needed to declare final elections and swear in a new government, as required by the Sierra Leonean constitution.

The delayed announcement of the election date also triggered complaints from some civil servants. According to the 1991 constitution, civil servants must resign their positions 12 months prior to the polling day in order to run as candidates. As the date for the 2007 poll was declared less than a year before the elections, those civil servants that would otherwise have been interested in running for elective office could no longer file their candidacies within the constitutional timeframe.

Constitutional Referendum: According to some of the political and civic leaders that met with the delegation, a referendum on constitutional reforms to be held on election day has been under discussion. Holding such a referendum, while constitutionally possible, appears less and less feasible and more difficult to plan for as election day nears. A constitutional referendum to gain people's input on changes to this critical contract that links citizens to their elected officials and the nation-state could be positive. However, normal democratic governance requires genuine public consultation and adequate education on constitutional reforms in order to allow citizens enough time to weigh the consequences of the proposed changes and to make informed decisions. Moreover, adding a ballot question on election day could significantly challenge the already burdened electoral process for Sierra Leonean voters and polling officers.

National Electoral Commission (NEC): The NEC has recently undergone major changes in structure and personnel. To address difficulties faced in previous elections, the NEC hired and trained new staff in 2006 and formed a committee to review and streamline electoral legislation, including boundary delimitation. Civil society activist Dr. Christiana Thorpe was appointed NEC chairperson. The NEC currently receives targeted technical assistance and significant financial support from the international community. The NEC has also invited local and international observer organizations to observe the electoral process.

A liaison committee between the NEC and the political parties was established to reach out on a regular basis to parties, share information with party leaders on the electoral process, and respond to election-related problems. Since January 2007, the liaison committee has met with party representatives at the national level once every two weeks. It is the intention of the NEC to initiate similar meetings at the district level in all 14 electoral districts. Political parties appreciate such an outreach effort and would welcome continuous and regular communications with the NEC.

Political Parties Registration Commission (PPRC): In order to field candidates for elections, political parties must register with the Political Parties Registration Commission (PPRC). While the PPRC was provided for by the 1991 Constitution, it did

not come into existence until December 2005. President Kabbah nominated Justice Alhaji Abdulai Timbo to head the PPRC. Timbo was approved by parliament but later resigned for health reasons. Commissioner R. A. Caesar acted as head of the PPRC until Justice Sydney Warner was nominated Chairman in January 2007. Parliament confirmed the chair and other PPRC members in February 2007. Time wasted in the nomination and approval of the chair of the PPRC prevented the commission from functioning to its full capacity. Eight political parties are currently registered with the PPRC. The PPRC was allocated a budget, an office, and a small staff. However, the slow disbursement of budgeted funds and recruitment of sufficient staff continues to hamper the ability of the commission to respond quickly and early on to meet its constitutional obligations.

The PPRC has now developed, in collaboration with the political parties, a code of conduct that aims to ensure credible elections. PPRC's activities will include: organizing training seminars on conflict mitigation strategies and sensitization on the code of conduct for Chiefs, political parties, civil society, police, and other stakeholders; strengthening the capacity of political parties to comply with constitutional provisions and relevant legislation on political party financing; enhanced monitoring of adherence to the code of conduct; and establishing district subcommittees of the PPRC to carry out the commission's mandate at the local level. The PPRC needs the support of political parties and the government to obtain additional resources in staff and finances needed to fulfill its mandate.

Voter Registration: Voter registration took place from February 26 to March 18. As of March 14, the NEC stated that approximately two million Sierra Leoneans had been registered. Despite claims relating to distance and accessibility to registration centers in some regions of the country, turnout has been high. This is widely seen as an indication of the commitment of the people of Sierra Leone to participatory democracy. Preliminary data suggest that women and youth have registered in high numbers.

For the 2007 registration process there were 2,740 centers registering up to 2,000 voters each. Voter registration was conducted over a three week period. Voters were registered and photographed at the same location, unlike during previous exercises. Once a center reached 2,000 voters, new voters needing to register were asked to go to the nearest center within the constituency that had not reached its full capacity. Where there was no center nearby within the same constituency, registration centers were provided additional registration forms and materials. The NEC informed the delegation that in each registration center there will be a number of polling stations, each serving approximately 500 voters.

During the 2002 presidential and legislative elections, approximately two million, three hundred thousand Sierra Leoneans registered to vote during a two week period with 50 percent being women. At the time, there were 5,278 registration centers, although reportedly many of those were clustered making the distinct registration locations a significantly smaller number. In addition there were about 600 photo centers and some registration centers were mobile.

The delegation heard repeated complaints from political parties and civic groups regarding the number of registration centers and the distance citizens had to travel in order to register. While the NEC's initial plan was to place registration centers so that no person would have to travel more than seven miles to register, the delegation was told repeatedly that the travel distance for some potential voters exceeded seven miles in several rural areas. Such distances would hinder disproportionately the elderly, pregnant women, women with young children, and people with disabilities. The delegation was told that given the limited availability of vehicle transportation and reliable roads in some areas, the only option left was for the affected potential voters to walk long distances to certain registration centers.

Voter registration materials ordered by the NEC were received in Freetown in January. The NEC used army and police vehicles to distribute the materials. The NEC carried out an extensive hiring of registration agents and a corresponding training program for them. It also launched a public awareness campaign, largely through radio announcements and discussions, to educate and motivate eligible persons to register. On the first day of registration, some registration centers lacked materials and therefore delayed opening.

In two constituencies in Freetown registration officials went on strike, demanding higher pay and thus disrupting the registration process for a few hours. The delegation also heard credible reports of two instances where voter registration materials were found outside the control of the registration officials, and verified that these had been addressed expeditiously or were being addressed by the NEC and the police. The delegation noted that the commission had to dismiss approximately half a dozen registration officials for acting in a politically biased manner or for poor performance.

The delegation heard complaints that some Paramount Chiefs prohibited political activities in their areas of jurisdiction on behalf of any party other than the ruling party. At the same time, many Sierra Leoneans noted that Paramount Chiefs encouraged citizens to register to vote, irrespective of their partisan political affiliation.

The delegation notes with satisfaction the visible presence of party agents monitoring the registration process. It also was gratified by efforts of some civic groups to observe the registration process and encourages active observation of the remainder of the electoral process.

The delegation was made aware that violence erupted in a few registration centers. In some cases, violence was spurred by the late arrival of accreditation cards to political party agents observing the registration process or skirmishes among party representatives. Where this happened, the commission, in consultation with the political parties, remedied the problem by issuing temporary accreditation letters or dispatching the Sierra Leonean Police to control the violence. In a few cases, violence was directed at registration officials. For example, in Kenema, misconduct by high level government officials and political party leaders as well as an organized "task force" created an environment of fear in which election officials and other stakeholders were threatened and in some cases physically attacked. Although isolated, these few instances underscore the fragility of

peaceful electoral competition in a post conflict environment, and the need to take extraordinary steps to curb violence during the candidate nomination, campaign period, and election day.

The pre-election team observed that sound procedures had been put in place to prevent double, underage, and registration by non-Sierra Leoneans. For example, individuals without identification documentation could present the testimony of a member of the local authority to prove that they are eligible to register.

In accordance with Sierra Leone's laws and international standards, the preliminary voters list will be displayed during an "exhibition and challenges" period within 40 days of the closing of the voter registration process.

Election Offences Court: An important component of any electoral process is the mechanism through which election-related complaints can be filed and addressed in a timely and balanced manner. The 1991 Constitution and the 2002 Electoral Laws Act both provide for the establishment of an electoral offenses court. It is critical that the court be put in place and that funding be disbursed quickly to allow the court to begin its work.

Political Parties Code of Conduct: The PPRC's Code of Conduct for political parties, signed by all political parties and adopted by the NEC in November 2006, is a positive step towards holding peaceful and democratic elections in Sierra Leone. While the agreement lacks any enforcement mechanisms, it lays the groundwork for good behavior and raises hope for a level playing field and peaceful electoral environment. A committee to monitor compliance with the code of conduct has been established. A nationwide sensitization on the Code of Conduct has begun in order to educate parties and their supporters of their responsibilities under the code, and to empower civil society to monitor and report on compliance by the parties from now through the post-election period. This effort should include Paramount Chiefs.

Media: Sierra Leone has a nascent independent media that could play an essential role during the election period. Despite limited resources, the media seeks to educate the public about the electoral process and should continue to do so. The signing of a Media Code of Conduct early in March 2007, is an important and positive contribution to the electoral process. The new Media Code of Conduct encourages all media houses to abide by professional standards needed to democratic and transparent elections.

The Sierra Leonean media have a civic responsibility to contribute to the short and long term establishment of strong democratic institutions, and should strive to play a leadership role in that regard. The media have a responsibility to report on the process in a balanced and informed manner.

Police: The delegation noted that many Sierra Leoneans believe that the Sierra Leone Police have played a constructive and evenhanded role in the electoral process to date. In a few instances, however, specific criticism was addressed at the police for not

apprehending individuals who had attempted to disrupt the registration process. The police are also to be commended for allocating greater resources for the election period and providing special training to police staff about responsibilities, tactics, and performance during the electoral period.

Women's Involvement in the Political Process: In any electoral process, it is important that women actively participate as candidates, leaders of political parties, members of civil society, and polling officers. The delegation notes that some political parties intend to take concrete steps to promote women candidates such as reducing the fee by half for women aspirants and providing financial assistance for their campaigns.

CONCLUSIONS AND RECOMMENDATIONS

In the spirit of international cooperation, the delegation respectfully offers the following conclusions and recommendations:

National Electoral Commission (NEC): The delegation recommends the continuation of the national and district liaison committee meetings between the NEC and political parties, and further encourages the commission and political party leaders to meet on a more frequent basis to address immediate electoral issues that may arise.

The delegation recommends that the NEC intensify the training of election staff, and ensure greater supervision in problem areas, and to be more proactive in its communications with political parties and the public at large on mechanisms to protect against fraud and to address grievances.

Registration Process: The NEC, in collaboration with political parties, should identify the areas where distance to the registration centers exceeded seven miles and explore mechanisms to ensure that voters have less distance to cover to reach the polls on election day. The delegation proposes that Sierra Leone explore the possibility of adopting a continuous registration process to avoid a costly and time consuming registration process before every election.

Verification of Voter Rolls: The pre-election team encourages Sierra Leoneans to participate in the verification of their names during the exhibition and challenge period, as this is an important step of the process that will result in the finalization of the voter rolls.

Political Parties Code of Conduct: The delegation urges party leaders, candidates, and their supporters be sensitized on the provisions of the code and the need for strict compliance to ensure a peaceful and intimidation-free process. The delegation also encourages the parties to form multiparty conflict prevention working groups that could act jointly to ensure rapid intervention if violence were to erupt in any area of the country during the electoral period.

Political Party Registration Commission (PPRC): Full support should be provided to the PPRC so it can fulfill its constitutional mandate and recuperate on the time lost so far because of its delayed launching.

Civic and Voter Education: To ensure a smooth election campaign period and enhanced voter participation, the delegation urges the NEC, political parties, and civil society organizations to intensify civic and voter education in the lead up to the election, and to intensify their efforts in the rural areas.

Domestic Monitoring: Nonpartisan domestic election monitoring organizations should be encouraged to sustain their efforts in observing and reporting on all aspects of the electoral process. In collaboration with other human rights groups more broadly, they should be proactive in helping mitigate the potential for violence by reporting actively on the pre-election and post-election periods, as well as on election day, and encouraging the political contestants to respect the law, and to seek peaceful and effective remedies through appropriate channels.

Political Parties: The delegation encourages political parties to educate voters about the electoral process and to present platforms or policy papers that address issues of national interest. Party leaders should work together within the PPRC and other mechanisms to avoid conflict. Working constructively with the NEC, political parties can strengthen the electoral process and continue to educate their supporters at the county and district levels regarding the Code of Conduct.

Electoral Complaint Mechanisms: In accordance with the constitution and the 2002 Electoral Laws Act, the electoral offences court should be established immediately and given the necessary means to conduct its work. The delegation encourages the NEC to outline and publicize the framework to resolve electoral disputes in order to build public confidence in the impartiality of the electoral complaint process. A timeline should be established with specific deadlines for the filing of complaints to avoid delays from litigation that could disrupt the electoral process. All parties and candidates must adhere to existing mechanisms for resolving disputes among candidates and their supporters to minimize potential violence and to ensure that the upcoming elections are peaceful.

Paramount Chiefs: Paramount chiefs should maintain neutrality and provide access to all political parties in their areas of chieftdom, especially during the campaign period, and should not use their position of traditional authority to favor or disfavor any political party or candidate.

Political Participation of Women: In recognition of the positive steps being taken by some political parties to empower women candidates and voters, the delegation recommends that parties nominate more women candidates, place more women in senior positions within their parties, and provide the necessary resources and support to women interested in running for office. The delegation encourages all parties to work towards empowering women and ensuring a high level of participation of women on election day.

Media: The delegation calls on the Sierra Leonean media to play its role responsibly, and to monitor and report on all aspects of the process in a balanced way, avoiding sensational reporting that could heighten political tension and potentially lead to violence. The media should help inform citizens on important aspects of the electoral process such as voter registration, voter education, and the campaign and balloting processes.

Security Environment: The Sierra Leone Police should be encouraged both to continue to show neutrality and to act effectively in dealing with violence and/or threats of violence. The NEC and PPRC should play active roles in helping political contestants resolve peacefully grievances that may develop during the electoral period. Other institutions in Sierra Leone, including civil society and religious bodies, should also be encouraged to play mediating roles where appropriate.

The delegation thanks the Sierra Leonean people for their warm welcome; and the NDI Sierra Leone staff for their help in facilitating this observation. The NDI delegation was welcomed by the NEC, political parties, and by Sierra Leonean civic organizations. NDI programs in Sierra Leone are funded by the British Department for International Development (DFID), the United States Agency for International Development (USAID) and the National Endowment for Democracy (NED).

NDI is a nonprofit organization working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides practical assistance to civic and political leaders advancing democratic values, practices, and institutions. NDI has conducted over 100 impartial pre-election, election-day, and post-election observation delegations around the globe.

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