



STATEMENT OF THE NDI
PRE-ELECTION DELEGATION TO SIERRA LEONE'S 2007 ELECTIONS
Freetown, July 16, 2007

This statement is offered by an international pre-election delegation organized by the National Democratic Institute (NDI). The delegation visited Sierra Leone from July 9 to July 16 to assess preparations for the 2007 Presidential and Parliamentary elections. The delegation is part of NDI's long-term program to observe Sierra's Leone's election processes and is the second of two delegations to assess the pre-election environment. NDI has maintained a presence in the country since 2001 to assist Sierra Leoneans who are working to advance democratic processes through strengthening citizen participation in the political process and improving the capacity of political parties. Though distinct from election observation, those activities helped to inform the delegation's work. NDI's programs in Sierra Leone are funded by the United Kingdom Department for International Development, U.S. Agency for International Development, and the National Endowment for Democracy.

This delegation was composed of experienced political and civic leaders as well as election experts from Africa, Europe, and North America and included: Hon. Nora Schimming-Chase, Member of Parliament (Namibia); Arthur Agnos, former Mayor of San Francisco (United States); Paula Newberg, International Consultant and Senior Advisor (United States); Costel Popa, Secretary General of the European Network of Election Monitoring Organizations (Romania); Noel Boxer, NDI Country Director, Democratic Republic of the Congo (United States); Bode Makinde, Nigerian Bar Association (Nigeria); and Keith Jennings, NDI Senior Advisor and Country Director, Nigeria (United States). The delegation, which was co-led by Schimming-Chase and Agnos, built on the work of NDI's long-term observers who have been in Sierra Leone for the past four months. It also drew on the findings and recommendations of an earlier mission that visited Sierra Leone in March 2007.

The delegation met with a diverse group of Sierra Leonean political and civic leaders, electoral authorities, government officials, and representatives of the media and the international community in Freetown. 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 will deploy a 40-person international observer delegation that will monitor the August 11 elections and the post-election period.

NDI's Methodology

An accurate and complete assessment of any election must take into account all aspects of the process, and no election can be viewed in isolation from the political context in which it takes place. Among the factors that must be considered are: the legal framework for the elections set by the constitution, including electoral and related laws; the ability of citizens to seek and receive sufficient and accurate information upon which to make political choices; the ability of political competitors to organize and reach out to citizens in order to win their support; the conduct of the mass media in providing coverage of parties, candidates, and issues; the freedom that citizens and political competitors have to engage in the political and electoral process without fear of intimidation, violence, or retribution for their choices; the conduct of the voter registration process and integrity of the voter register; the right to stand for election; the conduct of the voting, counting, results tabulation, transmission, and announcement of results; the handling of election complaints; and the installation to office of those duly elected. It should also be noted that no electoral framework is perfect, and all electoral and political processes experience challenges.

Elections provide a key to understanding how those in power treat citizens, and whether they respect citizens' rights to participate in government and public affairs. Elections are not just a technical exercise. They are a critical political process in and of themselves. This process has numerous elements, each of which depends on the exercise of political rights by citizens and political competitors. The process is also contingent upon the impartial and competent discharge of administrative responsibilities by the electoral authorities and a wide range of other governmental entities. Elections therefore are an important test of democratic governance, just as genuine elections are a prerequisite for democratic consolidation.

Background and Political Context

Since gaining independence from the United Kingdom in 1961, Sierra Leone has experienced new constitutions, elections, coups d'état, counter-coups d'état, and a devastating civil war. The war ended with a formal cessation of hostilities in 2002 following the signing of the Lomé Peace Accords in 1999. Complex recovery from the war is progressing and has included not only two elections (2002 and 2004) but also the return of refugees and displaced persons, demobilization of combatants (including a large number of child soldiers), resumption of national and local governance, completion of a Truth and Reconciliation Commission, and the first steps toward repairing its physical infrastructure and reaping the benefits of its resource base. These have all been enormously demanding processes, and will no doubt occupy national attention for many years to come.

The country's August 2007 elections therefore take place under very challenging circumstances. These presidential and parliamentary polls are the first since the war for which the government is fully responsible – a so-called “second generation” election that is critical to the success of its political, social, and economic recovery. Although it has

built on the foundation that was set by the United Nations-organized election of 2002, the government of Sierra Leone has also taken many steps to restructure its electoral administration and establish an environment that supports the rights of its citizens to vote under conditions of fairness and transparency. Sierra Leoneans remain among the world's poorest people, with a young population inexperienced in the ways of democratic development. This offers the leadership an enormous opportunity to educate the population in its political rights and the promise and practice of freely elected government.

OBSERVATIONS

Political Environment

The emerging multi-party system in Sierra Leone offers an encouraging sign for future governance, as does the country's continuing concern for fostering a climate of political tolerance before, during, and after these elections and the local elections that will follow in 2008. After many years of armed strife, the country appears relatively stable and secure, and provisions have been made to maintain peace and personal security throughout the election period. Stakeholders who met with the NDI delegation all expressed a desire for peaceful and procedurally correct elections. Even more, they reflected a collective commitment to ensure that the integrity of the polls, and their outcomes, should be respected by all parties.

Political parties across the spectrum seem eager to participate in the elections and to accept voting results, and the delegation hopes that this commitment is maintained throughout all phases of the process. Some incidents of violence during the first week of the campaign suggest that the potential for disruption during or after the polls does exist.

Agreements signed by parties, paramount chiefs, election observers, and the media point to commitments by these actors to refrain from interfering in the electoral process. The delegation considers these to be positive signs, particularly because a number of stakeholders have reported that some paramount chiefs have exercised undue influence on electoral processes. Stakeholders also have expressed considerable respect for the National Electoral Commission (NEC), the police, and adjudicatory bodies. Although some disagreement exists, stakeholders seem to accept most of the fundamental decisions surrounding this election. Most of the complaints registered with the NDI delegation concerned incomplete information about the process and fair access to it rather than the nature of the process itself. These are all signs that the people of Sierra Leone take the 2007 elections seriously.

The delegation noted that the government of Sierra Leone, in close partnership with local and international civil society organizations (CSOs) and major development partners, has found common ground with political parties, government agencies, voters, and the international community in the interest of transparent and accountable elections. At the same time, some stakeholders have reported a perception in some areas that the ruling

party is using its resources and authority to disturb the level playing field that the electoral administration and other political actors have worked so hard to establish and maintain. It is especially important to maintain such a balance in a country whose experience with conflict is so recent.

The NDI delegation noted that stakeholders anticipated some major problems in the electoral process. Two problems deserve special attention. First, the most consistently expressed challenge is inherited from history and constitutional circumstance: the election period coincides with a rainy season that can play havoc with administrative preparations and poll accessibility in a country already suffering from a devastated infrastructure, and prospectively obstruct the right to vote for all residents, particularly those in rural areas. The scale of this potential problem lies beyond the control of government; preparation to minimize its potential effects, however, must be of paramount concern as final election preparations are concluded.

Second, the financing of this election has been challenging. Planning and implementation have suffered from the unevenness of the fiscal process. An agreement between the government and the international community divided responsibility proportionally, with the government assuming 30 percent of election costs and development partners 70 percent. The international community has fulfilled its commitments, although unanticipated shortfalls required a late-day infusion of funds from the Peace Building Commission – fortunately, not too late for improvements to be made before election plans were finalized. After failing to meet several previous funding deadlines and jeopardizing the process, the government of Sierra Leone has promised to contribute its full share by the end of July.

Political Institutions and Processes

The delegation observed that the organization of the August 2007 elections involves both innovation and reform. While the National Electoral Commission has responded to concerns of the population such as the distance to polling sites, it is also balancing citizens' right to vote with security challenges. The PPRC is monitoring the participation of parties in the electoral process, including their compliance with the Code of Conduct. At the same time, the police and other security forces are actively engaged in maintaining a peaceful environment in conjunction with the legal framework created to govern the elections.

Election Administration

The National Election Commission (NEC) has achieved considerable independence and made impressive progress since its reorganization began in 2005. Staff appointments are made on the basis of merit, relationships with CSOs and international organizations have thus far been commendable, and the NEC has listened carefully to its closest interlocutors. In response to public concerns about polling station accessibility, for example (an issue reflected in NDI's March 2007 statement), the NEC has added 132 new "satellite" polling stations to its original list. The delegation urged the NEC to

publicize the location of these new polling stations and to assure voters of the mechanisms in place to protect against multiple voting, including the use of indelible ink and the hole punching of voter identification cards, as quickly and expeditiously as possible.

The chairperson of the NEC sits on the National Security Council, an administrative arrangement that reinforces the close relationship between protecting the right to vote and the security of the country as a whole. The NEC's commitment to voter education is particularly important for the success of the August election. Although the NEC suffered from inadequate fiscal resources earlier in the year, recent contributions from the international community appear to have filled this shortfall. The unevenness of the funding process – despite the hard work and best intentions of the international community – underscores the importance of establishing a permanent budget and sustained support for the Commission in the future.

Perhaps most fundamental to its reorganization, oversight of political parties no longer rests with the NEC. Instead, the Political Parties Registration Commission (PPRC) now oversees registration (and de-registration) and the compliance of parties to a Code of Conduct to which all agreed. This institutional innovation has reinforced the attention paid to political parties, and allows the PPRC to act as mediator among parties – a form of “soft power” when necessary. In this sense, the PPRC is a unique institution in the Sierra Leone electoral environment, in which law is specific and legal remedies the norm. The response of stakeholders suggests that the government should be applauded for establishing this new institution. The PPRC, too, has not received consistent financing, with the result that its impact has not been as significant as it should have been.

The accreditation and registration processes appear to have commenced smoothly, although the same processes for polling agents have been less satisfactory. The delegation received reports that this problem is now being addressed. The nomination of candidates was reported to have been successful, and the complaints were resolved in a satisfactory manner.

The delegation notes that political parties have not yet made the recruitment of women, minorities, or people with disabilities (another large segment of the population) a priority, thereby minimizing Sierra Leone's international obligations and its respect for contemporary norms and standards. There are relatively few women candidates seeking office. Although for the first time in Sierra Leone's history there are several physically challenged candidates, the physically challenged continue to be underrepresented in the electoral process. The delegation therefore hopes that every appropriate effort will be made to seek female and physically challenged candidates for the 2008 local elections, and notes that the absence of an education requirement for the local elections should make this effort all the easier.

Stakeholders emphasized the complexity of the physical environment for elections, and the delegation acknowledges the introduction in this election of tactile ballots and additional satellite polling places. The delegation notes that inadequate resources are

available to ensure that the elderly, ill, pregnant, and physically challenged voters can cast their votes if they can not travel to the polls.

Security Forces

Stakeholder response to the preparation, impartiality, and effectiveness of the police appears positive and an earlier lack of adequate resources seems to have been corrected. Police are members of district committees, an arrangement intended to enhance their effectiveness at the local level, and the few instances in which police intervention was required thus far seem to reinforce this impression. This security arrangement is intended to prevent former commanders from exerting influence in part of the country. The delegation did not meet with representatives of the military.

The Legal Framework

The 2007 national elections are being conducted within a legal framework that includes Sierra Leone's 1991 Constitution, 2002 Electoral Laws Act, and 2002 Political Parties Act. This framework will merit a full review after the August 2007 polls are complete – in particular, to ensure that it protects the individual right to participate in elections as either candidate or voter. At this early point in the campaign period, the delegation noted several issues that bear particular scrutiny.

The requirements for candidate eligibility pose serious questions of equity. Public servants, whose salaries are drawn from the Consolidated Fund, cannot stand as candidates unless they resign from their posts a full twelve months prior to elections. The election date, however, was set less than twelve months in advance, thereby preventing public servants from running for office. This had the effect of removing many qualified individuals. For example, teachers and nurses, many of whom are women, are included in this group, and therefore are prohibited from running in the elections.

The delegation notes that the electorate and political parties are relying heavily on codes of conduct, rather than legal sanction, in this campaign, and that the moral authority vested in these instruments seems to be well-regarded and respected. The delegation found that among the elements of these codes is a PPRC regulation for parties to disclose their financial assets. This is a valuable part of electoral transparency and thus party effectiveness and will be key to ensuring that parties provide accurate accounting of their finances.

The permanent judiciary, however, seems to elicit much less respect. For this reason, the newly established, innovative, and constitutionally mandated electoral courts will be critical to the success of the electoral process. The success of the courts will depend in turn on the use that political parties and voters make of the adjudication process, the competence of judges and courts, the perception and reality of impartiality, and the attention of monitors. Only in this way will the jurisdiction and judgments of electoral courts become an integral and effective part of the electoral process.

Political Tolerance

Sierra Leoneans have placed a premium on political tolerance in this election; indeed, the absence of violence and intolerance appears to be as important a desired outcome of the electoral process as the vote itself. The delegation applauds this sensibility, and notes at the same time that continuing, intensive civic education will be needed to ensure that behavior matches aspiration. The burden of this responsibility – while shared with the NEC, the PPRC, and other state bodies – lies with political parties. As the campaign process proceeds, it will be necessary to educate voters about the difference between a vibrant campaign – in which heated debate is a likely and necessary ingredient – and the unwanted disruptions caused by bias, indignation, and accusation. Political education entails knowledge of party mandates and policy proposals. In addition, civil society is actively engaged in encouraging citizens to participate in the electoral process. Their involvement will help foster political tolerance before, during, and after the elections.

RECOMMENDATIONS

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

Government of Sierra Leone

- The delegation strongly encourages the government to live up to its responsibility and provide promised funding to the NEC by the end of July.
- The government should take steps to ensure that a level playing field is provided in order to dispel the perception of voters regarding the use of state resources.

National Electoral Commission

- The NEC should continue to be open, transparent, and accountable in all its operations.
- The NEC should take all steps possible under the existing conditions to ensure that all electoral materials arrive on time.
- The NEC should take all measures to assist those unable to travel distances to vote, especially the physically challenged.
- The NEC should immediately announce the locations of the 132 satellite polling centers and inform voters of the mechanisms in place to protect against multiple voting, including the use of indelible ink and the punching of voter ID cards.
- The NEC should ensure that all party agents and domestic observers are accredited in a timely fashion.

- The NEC should ensure that political parties and citizens are informed of the mechanisms in place to resolve electoral disputes, particularly in the event of a close election.
- We encourage the NEC to include in their voter education campaign messages about the procedures in place for the counting, tabulation, and announcement of results.

Security Forces

- In order to secure peaceful elections, police should continue to maintain their independence, respond promptly to complaints, and coordinate with other stakeholders.

Political Parties

- Political parties should support the recruitment and empowerment of women and people with disabilities, not only as candidates but also at decision-making levels in their parties, to reflect international norms and standards.
- Political parties and candidates should continue to abide by the Political Parties Code of Conduct and the Code of Campaign Ethics and ensure that their members refrain from violence and intimidation and act in accordance with the law and democratic principles. Political parties should promote tolerance aimed at maintaining a peaceful and non-violent environment.
- Political parties and candidates should continue to develop party platforms, manifestos, and campaign messages founded on policies and issues that are important to their respective constituents in order to make clear to the voters what their choices are in these elections. Parties must also make this information more available.
- Political parties should utilize established adjudication processes to resolve any disputes arising out of the electoral process.
- We applaud political parties for submitting their campaign finance forms declaring their financial assets and liabilities, and we encourage political parties to continue to meet these deadlines.

Civil Society

- We strongly encourage civil society organizations (CSOs) engaged in the electoral process to increase the participation of women at decision-making levels.

- CSOs engaged in the electoral process should endeavor to increase their capacity to educate voters while maintaining professionalism and impartiality.
- Domestic observers should monitor the entire electoral process, including the post-election period and the adjudication process.
- Paramount chiefs and religious leaders should encourage their subjects and followers to promote political tolerance and a nonviolent electoral environment, including freedom of movement of all political parties.

Legal Framework

- Sierra Leoneans should review electoral law within the framework of existing realities. Reforms could include reconsideration of the exclusion of public servants from candidacy within 12 months of the elections as well as analysis of the electoral timeframe and the conduction of elections in the rainy season.

International Community

- The international community should continue to demonstrate its interest in and support for these important elections in Sierra Leone. Members of the international community accredited to observe these elections should do so in accordance with the laws of Sierra Leone and the Declaration of Principles for International Election Observation and without interference in the elections process.

The delegation thanks the Sierra Leonean people for their warm welcome and the NDI Sierra Leone staff and long-term observers for their help in facilitating this observation.

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.

CONTACT INFORMATION

For further information, please contact: in Freetown, Nick Demeter at +232 (0) 76 527 700 or ndemeter@ndi.org; in Washington, DC: Julie Denham at +1 202 728 5668 or jdenham@ndi.org.