Reconstruction National Integrity System Survey

Sierra Leone 2007
Report Authors

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National Accountability Group (NAG)

Partnered with the Transparency International Global Network, Tiri Network of London and the Anti-Corruption Commission in Sierra Leone, National Accountability Group (NAG) is a Sierra Leonean civil society membership organization dedicated to achieving greater accountability, transparency and integrity in private and public affairs, curbing corruption and holding national as well as local government accountable. This is achieved through the implementation of four core programs which include: Evidence-Based Research, Public Education and Awareness Raising, Monitoring and Institutional Capacity Building.

The National Integrity System

The National Integrity System (NIS) approach was developed by Jeremy Pope to understand the weaknesses of state institutions and the failings of previous reform initiatives by asking about corruption from a number of perspectives: the causes of corruption; the relationships of the Executive to other state institutions; key areas where corruption occurs or where democratisation is constrained; those institutions or areas with a role to play in promoting reform and democratisation, and for dealing with corruption; progress with government strategy and donor anti-corruption initiatives; and the relative strengths and weaknesses of these institutions or areas on an individual and collective basis to ensure their own capacity to be free from corruption (‘corruption-proofing’) as well as to promote a more integrated approach to dealing with corruption.

The Reconstruction NIS (RNIS) takes the approach further by using it to assess post-conflict countries as they rebuild the state and move toward democratisation. The RNIS provides a framework through which to assess the impact and legacies of conflict, the multiple political and institutional issues, and the role of donors, not only generally in terms of reconstruction, anti-corruption development, and priorities but also in terms of the often complex and continuing issues of power, corruption and democratization.
The RNIS country studies worked to a common template, requiring a country overview and corruption profile, supported by evidence of patterns, levels and causes of corruption. This approach requires discussions of the steps taken by institutions and key areas – usually the Executive; Legislature; elections/political party funding; audit; judiciary; civil service; police and prosecutors; public procurement; ombudsman; investigative/watchdog agencies; media; civil society; regional and local government - to prevent corruption as well as information on the effectiveness of such steps and the relations between institutions, and on issues such as political penetration of institutions, legacies from previous regimes, the role of donors in supporting and cooperating on the reform process in general and anti-corruption in particular, and the politicization of donor-friendly reforms such as decentralisation and democratisation.

**Tiri**

Tiri is an international NGO based in London that partners with civil society, governments, and business to create networks of committed change agents dedicated to strategic integrity reform. Tiri is an incubator and facilitates innovative reforms and provides a critical learning platform to disseminate cutting-edge experiences.

This paper is part of a series of eight studies of post-war reconstruction countries commissioned by Tiri and funded by the Norwegian Ministry for Foreign Affairs and the Foundation Open Society Institute. All studies are accessible on [www.tiri.org](http://www.tiri.org)

Eight local policy centres undertook research using a shared terms of reference. The countries covered are Afghanistan, Bosnia Herzegovina, Kosovo, Lebanon, Mozambique, Palestine, Sierra Leone, Timor Leste. The research is the basis for an advocacy and monitoring agenda to promote integrity in reconstruction both within the eight countries and internationally. Together, these groups form the Network for Integrity in Reconstruction (NIR).

All material contained in this survey was believed to be accurate as of January 8th, 2007. Every effort has been made to verify the information contained herein, including allegation. Nevertheless, Tiri does not accept the responsibility for the consequences of the use of this information for other purposes or in other contexts.
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<td>ACC</td>
<td>Anti-Corruption Commission</td>
</tr>
<tr>
<td>ACCG</td>
<td>Accountant General</td>
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<tr>
<td>AFRC</td>
<td>Armed Forces Revolutionary Council</td>
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<td>AG</td>
<td>Auditor General</td>
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<td>AGD</td>
<td>Accountant General’s Department</td>
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<td>APC</td>
<td>All People’s Congress</td>
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<tr>
<td>CBO</td>
<td>Community Based Organization</td>
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<td>CBSL</td>
<td>Central Bank of Sierra Leone</td>
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<td>CFAA</td>
<td>Country Financial Accountability Assessment</td>
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<td>CG</td>
<td>Consultative Group</td>
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<td>CGG</td>
<td>Campaign for Good Governance</td>
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<td>CIDA</td>
<td>Canadian International Development Agency</td>
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<td>CSO</td>
<td>Civil Society Organization</td>
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<td>CUPP</td>
<td>Citizen’s United for Peace and Progress</td>
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<tr>
<td>DACO</td>
<td>Directorate Development Assistance Coordinating Office</td>
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<tr>
<td>DCP</td>
<td>Democratic Centre Party</td>
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<td>DFID</td>
<td>Department For International Development</td>
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<td>DPP</td>
<td>Director of Public Prosecution</td>
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<td>ECOMOG</td>
<td>ECOWAS Monitoring Group</td>
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<td>ECOWAS</td>
<td>Economic Community of West African States</td>
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<td>EITI</td>
<td>Extractive Industry Transparency Initiative</td>
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<td>ERRC</td>
<td>Economic Rehabilitation and Recovery Credit</td>
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<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>EU</td>
<td>European Union</td>
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<td>FAWE</td>
<td>Forum for African Women Educationalists</td>
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<td>GAP</td>
<td>Grand Alliance Party</td>
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<td>GOSL</td>
<td>Government Of Sierra Leone</td>
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<td>GTZ</td>
<td>German Technical Zone</td>
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<td>HPC</td>
<td>Hamburg Ports Consultancy</td>
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<td>IAPSO</td>
<td>International Association for Procurement Service Organisation</td>
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<td>IFES</td>
<td>International Foundation for Electoral System</td>
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<td>IG</td>
<td>Inspector General of Police</td>
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<td>IRCBP</td>
<td>Institutional Reform and Capacity Building Project</td>
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<td>IMC</td>
<td>Independent Media Commission</td>
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<td>IMF</td>
<td>International Monetary Fund</td>
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<td>INGO</td>
<td>International Non-Governmental Organization-</td>
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<tr>
<td>IPEP</td>
<td>Inter-Active Policy Formulation Process</td>
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<td>JAI</td>
<td>Joint African Institute</td>
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<td>JP</td>
<td>Justice of the Peace</td>
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<td>LGA</td>
<td>Local Government Act 2004</td>
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<td>LOCLA</td>
<td>Lawyers Centre for Human Rights</td>
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<td>MOF</td>
<td>Ministry of Finance</td>
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<td>MOP</td>
<td>Movement for Progress</td>
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<td>MP</td>
<td>Member of Parliament</td>
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<td>NACS</td>
<td>National Anti-Corruption Strategy</td>
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<td>NaCSA</td>
<td>National Commission for Social Action</td>
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<td>NAG</td>
<td>National Accountability Group</td>
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<tr>
<td>Acronym</td>
<td>Full Form</td>
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<tr>
<td>NASMOS</td>
<td>National Mobilisation Secretariat.</td>
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<tr>
<td>NCDDR</td>
<td>National Commission for Disarmament, Demobilization and Reintegration</td>
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<tr>
<td>NCDHR</td>
<td>National Commission for Democracy and Human Rights</td>
</tr>
<tr>
<td>NCRRR</td>
<td>National Commission for Reconstruction Resettlement and Rehabilitation</td>
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<tr>
<td>NDA</td>
<td>National Democratic Alliance</td>
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<tr>
<td>NDI</td>
<td>National Democratic Institute</td>
</tr>
<tr>
<td>NEC</td>
<td>National Electoral Commission</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
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<td>NIS</td>
<td>National Integrity Systems</td>
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<td>NMJD</td>
<td>Network Movement for Justice and Development</td>
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<tr>
<td>NPRC</td>
<td>National Provisional Ruling Council</td>
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<tr>
<td>NRA</td>
<td>National Revenue Authority</td>
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<tr>
<td>NUP</td>
<td>National Unity Party</td>
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<tr>
<td>OAG</td>
<td>Office of the Auditor General</td>
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<tr>
<td>OAU</td>
<td>Organization of African Unity</td>
</tr>
<tr>
<td>OBE</td>
<td>Order of the British Empire</td>
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<tr>
<td>OSIWA</td>
<td>Open Society Institute West Africa</td>
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<tr>
<td>PDP</td>
<td>People’s Democratic Party</td>
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<tr>
<td>PETS</td>
<td>Public Expenditure Tracking Survey</td>
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<tr>
<td>PLP</td>
<td>People’s Liberation Party</td>
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<tr>
<td>PNP</td>
<td>People’s National Party</td>
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<tr>
<td>PR</td>
<td>Proportional Representation</td>
</tr>
<tr>
<td>PSC</td>
<td>Public Service Commission</td>
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<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>PSMS</td>
<td>Public Service Management Support Project</td>
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<tr>
<td>PWYP</td>
<td>Publish What You Pay</td>
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<tr>
<td>RSL</td>
<td>Republic of Sierra Leone</td>
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<tr>
<td>RUF</td>
<td>Revolutionary United Front</td>
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<tr>
<td>RUFP</td>
<td>Revolutionary United Front Party</td>
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<tr>
<td>SAP</td>
<td>Structural Adjustment Programme</td>
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<tr>
<td>SLA</td>
<td>Sierra Leone Army</td>
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<tr>
<td>SLAJ</td>
<td>Sierra Leone Association of Journalists</td>
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<tr>
<td>SLBS</td>
<td>Sierra Leone Broadcasting Service</td>
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<tr>
<td>SLENA</td>
<td>Sierra Leone News Agency</td>
</tr>
<tr>
<td>SLP</td>
<td>Sierra Leone Police</td>
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<tr>
<td>SLPP</td>
<td>Sierra Leone People’s Party</td>
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<tr>
<td>SLTU</td>
<td>Sierra Leone Teachers’ Union</td>
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<tr>
<td>TRC</td>
<td>Truth and Reconciliation Commission</td>
</tr>
<tr>
<td>UDP</td>
<td>United Democratic Party</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
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<tr>
<td>UNIDR</td>
<td>United Nations Institute for Disarmament Research.</td>
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</table>
2. Executive Summary

Sierra Leone is a small West African country endowed with substantial mineral, marine and natural resources that, properly utilized, could have provided its four to five million citizens with one of the highest standards of living in the world. Due to more than four decades of over-centralized power, institutionalized corruption, mismanagement of resources and the marginalization of a large proportion of its population from the decision-making process, this potentially rich country not only became extremely poor but literally ceased to function. It became what is referred to as a ‘failed state’.

The country experienced the highest child mortality rate in the world. More women died at childbirth than anywhere in the world. Life expectancy fell as low as thirty-seven years. Despite being the first country in sub-Saharan Africa with a university and schools for both boys and girls, the literacy rate fell as low as fifteen per cent, the lowest in the world. By 1991, when civil war broke out, corruption had become so massive and institutionalized that the state had ceased to function and perform even its most basic functions.

In addition to the atrocities and destruction committed by the rebels, twelve years of civil war in Sierra Leone brought international criminal syndicates into our already corrupt society in pursuit of diamonds. The arrival of these syndicates fuelled, prolonged and intensified the war. Diamonds were exchanged for arms and ammunition, leading to what became known as ‘blood’ or ‘conflict’ diamonds. It took a global campaign by regional and global agencies, donors, international and national NGOs, and Sierra Leonean civil society to bring an end to the war in Sierra Leone and create sanctions against blood diamonds.

Reconstructing post-conflict Sierra Leone was a huge challenge: the country had to rebuild an entire state. First, it was realized that reconstruction had to deal with much more than just physical infrastructure and include the institutional reconstruction of the police, army, judiciary, public service and Parliament. In assessing the institutions and structures that were needed for a functioning state, it was discovered that the country did not meet the requirements of the standard post-conflict menu. Old systems had to be overhauled. Some old structures and institutions had to be reformed and, in some extreme cases, new ones created. The country had massive bilateral donor support from the British government, who signed a ten-year memorandum of understanding and support with the Government of Sierra Leone. There were other bilateral donors, including various European governments, the United States, Japan and China, and multilateral donors included the World Bank, UNDP, IMF, EU, African Development Bank and the Islamic Development Bank.

Moreover, the issue of corruption had to be dealt with. Massive corruption was one of the causes of this bitter conflict. For Sierra Leone not to revert back to war, the country had to deal with institutionalized corruption. In addition, the fact that the entire government machinery had ceased to function for more than a decade meant
opportunities had been created for things to be done in unaccountable and non-transparent ways. This had to be stopped and the right systems and procedures put in place.

The creation of a large UN peacekeeping force and the presence of hundreds of British Rapid Response Royal Marines provided the country with security forces at a very critical time. The British government took the lead in the reconstruction of most of the institutions of democracy and governance: reform of the public service, police, military, legal system, judiciary and the economy. The disarmament, demobilization and reintegration of ex-combatants and the country’s reconstruction, rehabilitation and resettlement process was led by the World Bank and supported by other partners. UNDP led the National Recovery process.

New structures and institutions like the National Security Agency, the Anti-Corruption Commission and the Ombudsman Office were created and supported by the British government. Expatriate staff were recruited to provide the required leadership or technical support to some of these institutions. British heads of the police and Accountant General’s Office were appointed. Many British military officers were appointed as technical advisors to the Sierra Leonean army. British intelligence officers were recruited to provide initial capacity and set up the National Security Agency’s office. A British three star general was appointed Military Advisor to the President. The number two in the Anti-Corruption Commission was a British national.

Dealing with the emergency and humanitarian crisis was the biggest task the country faced during and after the war, and this involved rebuilding the physical, social and financial structures of the entire country, bringing back and resettling refugees, and returning internally displaced citizens to their communities of origin. To address these problems and manage the process, the National Commission for Reconstruction, Resettlement and Rehabilitation (NCRRR) was created with support and assistance from the World Bank. After three years in operation its name and mandate was changed to the National Commission for Social Action (NaCSA). This transformation from an ordinary commission to a social fund was intended to consolidate peace, bridge the gap between relief and development, and establish an institution that would become the driving force of development. The NaCSA, unlike its earlier incarnation, deals directly with communities, focusing more on community participation and ownership, using specialist NGOs to provide substantial capacity building for communities.
3. Country Overview

3.1 The Institutional Overview of the Country Today

Sierra Leone gained independence in 1961 with a well-established two-party system, centered around the ruling Sierra Leone People’s Party (SLPP), which had been in political control since 1952, when it won the first general elections and the opposition, the Peoples National Party (PNP) which later became the All People’s Congress (APC). These two parties are the oldest in the country, with the SLPP being formed in 1951 and the PNP in 1955. The two-party system drew upon the liberal ideas of parliamentary institutions and the concept of the rule of law and civil liberties from the country’s previous experience as a British Colony. The country’s political scene between these years and the demise of its first Prime Minister, Sir Milton Margai in 1964, enjoyed legitimate rule through popular support and governmental leadership committed to efficient management of the resources of the state. In consequence, the unquestioned legitimacy of the first post-independence Government and its acceptance as representative of the nation, made Sierra Leone the envy of the other newly independent states of sub-Saharan Africa.

The history of post-independent Sierra Leone is the history of the failure of the state to produce expected results geared towards socio-political and economic development, largely due to the destabilizing impact of political change and conflict since independence since 1961.

It was therefore hoped that Sierra Leone would be the model in post-colonial Sub-Saharan Africa. On the contrary, no sooner had Sir Milton Margai passed away in 1964 than Sierra Leone was cast adrift. The administration of his successor, Sir Albert Margai, came to be the prelude to authoritarian rule, and economic and social disaster. He was the first Prime Minister to table a one party Constitution in Parliament, but it was defeated when he lost the 1967 general elections to the APC. Subsequently, patterns of political instability through alternative trends, between civilian authoritarianism and military dictatorship, became well established in the post 1964 years – see Table 1:
Sierra Leone is a unitary state and has a population of over five million people. It became a republic in 1971. According to the Constitution, state power is divided among the three arms of Government: the Executive; the Legislature; and the judiciary. Though the Constitution outlines a clear separation of these arms of Government in terms of their respective functions to the state, there are often cases of a fusion of the organs. For example, the Attorney General and Minister of Justice performs a dual function. Firstly, he serves the judiciary as Attorney General and then the Executive as Minister of Justice. In spite of the widespread public dissatisfaction of this appointment by the President, and the recommendations from civil society organizations to divide the two positions, the Minister still serves in the two capacities. However, to a significant extent, each arm of Government is given the power to act as a check on each other.

Table 1: Successive regimes since the first general elections

<table>
<thead>
<tr>
<th>LEADERSHIP</th>
<th>POLITICAL PARTY</th>
<th>YEAR</th>
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<tbody>
<tr>
<td>SIR MILTON MARGAI</td>
<td>SIERRA LEONE PEOPLE’S PARTY (SLPP)</td>
<td>1952 – 1964</td>
</tr>
<tr>
<td>SIR ALBERT MARGAI</td>
<td>SIERRA LEONE PEOPLE’S PARTY (SLPP)</td>
<td>1964 – 1967</td>
</tr>
<tr>
<td>ANDREW JUXTON SMITH</td>
<td>NATIONAL REFORMATION COUNCIL (NRC - MILITARY RULE)</td>
<td>1967 -1968</td>
</tr>
<tr>
<td>SIAKA PROBYN STEVENS</td>
<td>ALL PEOPLE’S CONGRESS (APC)</td>
<td>1968 - 1985</td>
</tr>
<tr>
<td>JOSEPH SAIDU MOMOH</td>
<td>ALL PEOPLE’S CONGRESS (APC)</td>
<td>1985 – 1992</td>
</tr>
<tr>
<td>BRIG. JULIUS MADAA BIO</td>
<td>NATIONAL PROVISIONAL RULING COUNCIL – NPRC (MILITARY)</td>
<td>1995 – 1996</td>
</tr>
<tr>
<td>AHMED TEJAN Khabba</td>
<td>SIERRA LEONE PEOPLE’S PARTY (SLPP)</td>
<td>1996 – 1997</td>
</tr>
<tr>
<td>MAJ. JOHNNY PAUL KOROMA</td>
<td>ARMED FORCES REVOLUTIONARY COUNCIL – AFRC (MILITARY RULE)</td>
<td>1997 – 1998</td>
</tr>
<tr>
<td>AHMED TEJAN Khabba</td>
<td>SIERRA LEONE PEOPLE’S PARTY (SLPP)</td>
<td>1998 – 2002</td>
</tr>
<tr>
<td>AHMED TEJAN Khabba</td>
<td>SIERRA LEONE PEOPLE’S PARTY (SLPP)</td>
<td>2002 -</td>
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</table>
Sierra Leone has an Executive President, directly elected by universal adult suffrage for a period of five years. It has had four Presidents since independence (although the first was ceremonial), the current President, Alhaj Dr. Ahmed Tejan Kabbah having been elected on 14th May 2002. The President is the Head of State and Government, fountain of honour as well as Commander-in-Chief of the armed forces of Sierra Leone. All executive power is vested in him. The Cabinet consists of the President, Vice-President and Cabinet Ministers, including three resident Ministers, one in each of the three provinces in the country: Southern province, Northern Province and Eastern province. Ministers and deputies under the direction of the President supervise each government ministry. All Ministers are appointed by the President outside of Parliament. There is a unicameral Legislature with 112 elected members; the Legislature is tasked with making law. Legislation can be proposed by the Executive, judiciary and even civil society. The Legislature also approves the budget and supervises the general operation of the institutions of governance. There are about one hundred and twenty – four (124) members of Parliament, comprising the following:

- The majority party (SLPP) with membership of 83
- The All People Congress (APC) with membership of 27
- The People’s Liberation Party (PLP) with membership of 2
- 12 Paramount Chiefs representing the 12 Districts.

Currently, there are 12 oversight committees with 1 committee to supervise every government Ministry.

Ministerial policies are implemented by the civil service departments, headed by a Permanent Secretary who is also the controlling officer. The head of the civil service is the President. There are 29 government departments and 44 parastatals. These include:

- The Defence Forces
- The Anti-Corruption Commission (ACC)
- The National Commission for Democracy and Human Rights (NCDHR)
- National Electoral Commission (NEC)
- National Policy Advisory Committee (discussed under the Public Sector Management and Civil Service Reform)

The Government has only been able to identify 24 parastatals for privatization, and recently commenced a privatization process.
Sierra Leone has a unified police force headed by the Inspector-General of Police (IG). It has been highly centralized, though with the reintroduction of the decentralization process, aspects of it are being decentralized. The President appoints the IG, the Commissioner and Assistant Commissioners of Police.

The judiciary consists of the following courts:

- The Supreme Court of Sierra Leone;
- The Court of Appeal;
- The High Court of Justice.

The High Court of Justice has jurisdiction in civil and criminal matters and such other original appellate and other jurisdiction as may be conferred upon it by the Constitution or any other law. This jurisdiction also includes determining any matter relating to industrial and labour disputes and administrative complaints (section 132 (1) and (2)). The High Court has an establishment of nine judges of which over half are currently filled. There are also local courts, which include Magistrates’ Courts, District Courts, District Appeal Courts, Coroners’ Courts and Juvenile Courts. The Magistrates’ Courts usually perform the functions of both the Coroners’ and Juvenile Courts. According to the Local Courts Act 1963 (section 13 (1-2)) the jurisdiction of local courts includes the administration of estates of deceased persons governed by customary law and hearing cases that are governed by customary law. Local courts can also hear and determine all civil cases governed by the general law.

Having gone through twelve years of civil war, the country is currently undergoing the process of reconstruction, which involves stakeholders such as government institutions, the international donor community, NGOs, civil society organisations, and the local people. The principles of transparency and accountability are therefore seen as significant features in this process. However, recent reports reveal that corruption, which was the principal cause of state collapse, is still highly prevalent in undermining transparency and accountability in the rebuilding process.

After the war, the areas for reconstruction ranged from resettling displaced communities, rebuilding the infrastructure, restoring civil society, and reforming state institutions with hopes of consolidating peace and democracy. The key players in the reconstruction process are the international donor agencies who control reconstruction projects, but whether they manage the projects in a transparent and accountable manner is a question yet to be answered. This is however evident in the series of corruption cases and the allegations of improper accountability linked to certain projects. Some of these cases involve the misuse of donor funds, poor quality of infrastructure and goods supplied, and the failure of some contractors to adequately deliver their contracts. The irony here is that the issue of corruption has become so prevalent that both internationals and locals accuse each other of being corrupt and unaccountable. Who, then, is at fault? What worsens the situation is that even the Anti-Corruption Commission has been adversely affected by inadequate funding and
a lack of political will in carrying out its responsibilities, which has created widespread public dissatisfaction.

3.2 Context of the Conflict

3.2.1 The Civil War

The conflict in Sierra Leone began in 1991 largely in response to the perceived collapse of the state that was precipitated by decades of mismanagement. Foday Sebana Sankoh’s Revolutionary United Front (RUF), supported by the Liberian President Charles Taylor, began their assault on the Government, which was led at the time by a military ruler. There was a brief halt to the conflict in 1996 when democratic elections were held, but the newly elected government’s rule was cut short by a military junta, which joined with the RUF rebels in terrorizing the population. A Nigerian-led intervention in 1997 by the Economic Community of West African States (ECOWAS) peacekeepers (ECOWAS Monitoring Group – ECOMOG) pushed the junta out of Freetown, where the military and rebels began their terror campaign against the civilian population in earnest. UN peacekeepers were introduced in 1999, where they assumed control of the country and gradually subdued the rebels to end the war in 2002. Elections were held that same year, and Ahmed Tejan Kabbah, who was President of the short-lived 1996 Government, was re-elected and his Sierra Leone People’s Party continues to hold power today.

3.2.2 Cost of the War

The decade-long civil war (1991-2002), itself largely a result of institutionalized corruption and consequent marginalization, proved disastrous for all sectors of the state, as displacement and constant threats of violence disallowed the possibility of continued flow of basic social services to more than half the population. The war was also characterized by the wanton destruction of essential infrastructure, including school buildings, public institutions and atrocities involving mass rape and the cutting off of hands.

Sierra Leone is a small country on the west coast of Africa, which is richly endowed with natural resources such as diamonds, gold, iron ore, bauxite, rutile, marine resources and forest, including extensive fertile land etc. However, decades of poor governance characterized by corruption, nepotism, tribalism, regionalism, pervasive injustice, suppression and human rights abuses resulted in inequitable access to state resources and opportunities. The lack of transparency and accountability considerably hampered the productive sectors, which therefore led to the collapse of the economy. As a result, Sierra Leone, with all its numerous natural resources and one of the richest countries in Africa, then became enlisted among the least developed in the World.

Indeed, the country even up to the present day is still beset by a number of problems: workers salaries are abysmally low and are often not paid until months after they are
due. Thus, in the education sector for instance, there is little incentive for educated persons to become teachers, leaving substandard teachers to teach large classes with the result that most pupils leave school barely literate – a major factor for mass illiteracy in the country.

3.2.3 Corruption and the Conflict

Ghanaian President John Kufuor has significantly noted that Africa is a “hub of corruption.” Indeed, even after the restoration of democracy in Sierra Leone, corruption still runs rampant, as the 2004 ACC report states that corruption continues to permeate the system of government at every level.

Everywhere there is development promise. Public infrastructure decays or is never built because the resources from the relevant Ministries are diverted to private ends. The President, Kabbah, often refers to it as a vicious enemy of society. Over the years corruption has taken on different faces in Sierra Leone. Before the war corruption was largely explained under the context of neo-patrimonialism, through which state resources were being distributed by public officials (the patrons) to their supporters (the clients). Often government parastatals granted fake contracts for the embezzlement of state resources. Some of the remote causes of the state’s collapse have been attributed to this form of governance which placed a premium on the misuse of state resources.

Since the end of the war, there has been a new dimension for the diversion of public resources. Resource allocation and mobilization has now shifted into the hands of donors, since they drive the entire reconstruction process. While to a certain degree elites depended on and exploited international donors to their benefit in the pre–conflict years, the onset of post–conflict reconstruction and the consequent substantial increase in international funds constitutes a new framework within which corruption plays itself out. Unlike other post–conflict societies, however, the reconstruction process in Sierra Leone does not involve large scale projects but is largely limited to providing support to Ministries, resettlement and rehabilitation programs and institutional reforms.

3.2.4 Consequences of Conflict

Sierra Leone, which was faced with numerous developmental issues prior to the war, had its woes multiply in its wake. The widespread and unwarranted destruction wreaked by rebel forces, renegade soldiers and civil defence forces alike, not only devastated the nation’s infrastructure, but also left terrible scars (both physical and psychological) on its people. Despite the large number of lives lost during the war, Sierra Leone was left with a large number of amputees, rape victims, child soldiers, war criminals, and a populace that was very traumatised from a decade of civil war.

The consequences of the war are numerous and are still felt in almost all areas of Sierra Leonean society today. The war brought about a total disruption in the affairs of state within the country. The Government, judiciary and Parliament were rendered
ineffective in the parts of the country where the war raged, with warring factions in absolute control of the territories that they held. The Government of Sierra Leone was twice overthrown by the military during the decade long civil war - the first in 1992 (the Strasser led coup) and the second in 1997 (the Koroma led coup). During these periods of military intervention in politics, Sierra Leone was governed by decree, with Parliament dissolved in both instances and the judiciary unable to perform its functions independently and without interference from the military. The country was subject to martial law and citizens denied their fundamental human rights. Human rights abuses were inflicted with impunity, culminating in secret executions, public floggings, mass looting of people’s property, amputation of limbs at gun point, mass raping of innocent girls and women, forceful conscription of child soldiers, indiscriminate arson, and so many other atrocities that came to light during the public hearings of the Truth and Reconciliation Commission (TRC) and the Special Court for Sierra Leone. In short, law and order was totally disregarded during these periods.

The situation worsened in 1997 during the Koroma led coup, which brought about a marriage between the military and the rebels of the Revolutionary United Front (RUF). During this period, society came to a standstill with sanctions imposed by the United Nations and civil society declaring a sit-down strike throughout the country. During the AFRC reign, there were no functioning institutions apart from those set up by the AFRC/RUF alliance, which had no support from the general populace. The sanctions and embargo were enforced by the Economic Community of West African States (ECOWAS) troops, which brought about a whole set of new problems and economic hardship for the people of Sierra Leone.

The economic impact of the war can still be felt today, four years after the official end of the war. With double-digit inflation, sky rocketing prices of consumer goods, the high cost of living, a runaway exchange rates with the world’s major currencies, and the large scale poverty which is so prevalent, the country is still quite far from its development goals. In fact, the United Nations Development Programme (UNDP) ranked Sierra Leone as the second least developed nation in the world in its most recent Human Development Index report.

3.2.5 Reconstructing the State

In the last decade the international community has struggled tremendously with the challenges of laying the groundwork for sustainable peace, sometimes forgetting that countries emerging from conflicts do so under differing and unique conditions. No two countries are the same. It has now also been realized and accepted that the challenges faced by countries emerging from conflict in Africa, such as Sierra Leone, the Democratic Republic of Congo, Liberia and Angola, are completely different from those faced by Europe after the Second World War.

Post-conflict reconstruction assistance has become multi-dimensional in recent years. It has gone beyond merely supporting the rebuilding of physical infrastructure, and in many cases now includes humanitarian relief, institution (re)building, technical assistance, elections and the development of democracy, support to local NGOs and
civil society, budgetary support, debt relief, disarmament, demobilization and reintegration of ex-combatants, removing landmines and repatriating refugees and the internally displaced.

The standard post-conflict menu has become very daunting. It brings together an unusually wide-ranging group of political, economic and military actors as well as the media. The resources provided by the support of these actors flow through weak institutions and corrupt, inefficient and ineffective government and public service bureaucracies, characterized by a lack of administrative, financial and management skills.

In most cases, especially in Africa, conflicts erupt after long years of one party rule, dictatorship or military government. Countries that have experienced long years of one party rule or dictatorship normally have centralized forms of government, which inevitably leads to the systematic destruction of most of the institutions of governance. Part of the post-conflict reconstruction menu therefore includes rebuilding state machinery to create a functioning state and re-establishing state authority.

Most of the initial democratic structures and institutions of governance, as well as systems created to act as checks and balances, all but disappeared in prolonged years of conflict. Countries emerging from conflict today are not only physically devastated but are also politically and economically weak. Political and economic institutions have been destroyed and the social fabric of these societies torn apart. Most of these countries are thus not prepared to deal with the massive and sometimes uncoordinated intervention of many players: donors, tens or hundreds of international NGOs, and thousands of national NGOs and community-based groups.

These create enormous problems and provide opportunities for mass corruption. Countries weakened by long years of conflict do not have the time, resources and manpower to put into place mechanisms and procedures for donor and aid coordination. Additionally, all the players involved in the process of reconstruction work separately and do not collectively create uniform and special procurement and disbursement procedures to minimize duplication, waste and, eventually, corruption. Too many bilateral and multilateral agreements not only frustrate good macro-economic management but also open the door to corruption. Within this environment, it has therefore become very easy for corruption, accountability and transparency to take on heightened significance.

In addressing the challenges of today’s post-war reconstruction efforts, most donors tend to compare the successful experience of rebuilding Europe after the Second World War with the failures of Africa. This is most unfortunate as the experiences are completely different. First, contemporary African conflicts are mostly intra-state and are precipitated by long years of centralized power, bad governance, massive corruption and the marginalization of the majority of the population, a combination that leads to collapsed states. Second, European reconstruction was assisted by one donor, the United States with its Marshal plan, which made it easier for incoming
resources to be monitored and controlled. In most African countries emerging from war today, especially Sierra Leone, the work of numerous bilateral and multilateral actors can be unrelated and at times uncoordinated.

European countries had democratic systems with experienced, strong and tested institutions and professional bureaucracies through which the single donor support was channelled. They were able to plan and execute projects in a reasonably transparent and politically acceptable fashion, and in a way that quickly produced sustainable results. In countries like Britain, post-war reconstruction rested on already existing structures of democratic governance, law and market mechanisms. Most post-conflict countries today, including Sierra Leone, have weak governance structures and institutions, with very little, if any, technical experience and expertise in coordinating, monitoring and implementing donor funded projects. In the case of Liberia for instance, after the Taylor elections, government structures and institutions were so weak that donors had literally to take over the reconstruction process. In the Sierra Leone context, new institutions and structures had to be created that were completely different and separate from the public service, to exclusively handle the reconstruction process. One of such institutions was the National Commission for Reconstruction, Rehabilitation and Resettlement (NCRRR), which was later converted to National Commission for Social Action (NaCSA).

Institutional weakness is one of the prevailing causes of corruption in Sierra Leone, which to a greater extent is the result of a lack of internal oversight, poor remuneration, and deplorable working conditions. This, however, undermines the capacity of public institutions to function effectively and transparently, which is evident in how government projects are executed and the false nature of procurement and tender procedures. This has therefore culminated in the collapse of the public service as a pivotal sector, and consequently lack of performance and accountability.

Another problem within the reconstruction process is seen in the relationship between donors and their local counterparts. Since resources are now placed in the hands of donors, their representatives have become patrons while their local development partners are their clients. This has resulted in a growing informalisation of the relationships between the former and the latter.

Accountability should also be looked at from both the upward and downward trends. It is however vital to know that more often than not, donors only focus on the upward trend. Funding agencies and organizations control expenditure of funds and execute projects, with little or no consideration for the local population on whose behalf such funds are allocated. Accountability is more linked to the disbursements of funds than substantive performance and donors are more interested in accounting for funds than considering the expectations of the local communities who often do not have the opportunity of voicing their opinions about the nature of projects undertaken.

As part of the reconstruction process a number of institutions were specifically established, including the National Commission for Disarmament, Demobilization and Reintegration (NCDDDR) which is a positive example of the implementation of
accountability mechanisms. The NCDDR oversaw the disarmament of 72,000 former combatants and their reintegration into society, which was carried out with the assistance of multi-donor trust fund of forty million dollars. Here both the donors and the Commission laid down a common arrangement on disbursement procedures wherein an independent foreign firm, FMPU, was contracted to manage the funds, and an international auditing firm, KPMG, audited the accounts.

This body is responsible for undertaking key reconstruction as well as development projects, and it currently has a five-year mandate. Most reconstruction funds are channelled through this agency, and its procurement and disbursement procedures were also laid down by both the funding agencies and the Commission. It has a monitoring and evaluation unit, and it has largely enjoyed credibility both in the eyes of donors as well as the local population. More generally, the process of democratization and decentralization has involved parties, elections, Parliament etc. Another major element of promoting accountability in post-conflict Sierra Leone is decentralization. Such an establishment is with the firm hopes of promoting effective governance, accountability and transparency in the public sector both at local and national levels. It is widely believed that the systematic erosion of state capacity to deliver effective social services over the years was due to excessive centralization of power, which was a cause for bad governance and social exclusion. There is huge donor support for decentralization, though the key challenge will be how to mobilize local political commitment to ensure that local institutions are transparent and accountable.

The post war recovery period in Sierra Leone has been characterized by a wide range of reforms in nearly all sectors; security, judiciary, education, health, agriculture amongst others. However, amidst all these reforms, the practice of corruption has continued unabated and continues to stifle all efforts towards the establishment of an effective and modern state, thus increasing poverty and hindering progress in achieving the Millennium Development Goals. Consequently, despite being richly endowed with mineral resources gold, diamonds and other precious minerals, fertile agricultural land and marine resources, the country has been classified by the United Nations Development Program (UNDP) Human Development Index (2005) as the second least developed country in the world.

3.2.6 Anti Corruption Commission (ACC)

In response to the negative impact of corruption on the past and more importantly on the future of the country’s development, the current administration has sought to take active steps to address this pervasive problem. One major step was the enactment of an Anti-Corruption Act in 2000 which provided for the creation of the Anti-Corruption Commission (ACC) to prosecute individuals who are involved in corrupt practices. The Act outlines the functions of the Commission, the definition of corrupt practices, and the powers of investigation by the Commission to prosecute offences. The Commission, as stipulated in the Act, should be independent and accountable to the President and Parliament, and separate from the civil service and the police.
3.2.7 Civil Society

Civil society remains an important element in the post-conflict reconstruction process in Sierra Leone. Civil society groups have been involved in various aspects of governance by fighting corruption, monitoring the protection of human rights, and playing an oversight role in both the government and governance institutions. Through advocacy and public education, civil society has pressured the government institutions to be accountable to the people. Donor support has played a large part in building the capacity of civil society groups in order for them to carry out their functions.

However, there lies a problem inherent in the reliance of international donors on the NGO sector, for as they continue to build the capacity of civil society institutions, the already heavily-eroded state authority and state institutions continue to stagnate from the lack of support from both donors and Government. This apparent paradox needs to be resolved as Sierra Leone looks towards the future.

3.2.8 Prospects and Challenges

There is no doubt that certain mechanisms are in place to respond to the issue of corruption in light of the reconstruction process. What is in doubt, however, is the prospect for these mechanisms to influence post-conflict accountability structures in Sierra Leone. Accountability in the face of weak institutional capacity and civil society structures will require a principled commitment on the part of donors and their local development partners. In the case of Sierra Leone where reconstruction efforts are largely driven by the donor community, donors must do more to promote a culture of accountability. This could be done in several ways. The first is to help promote dialogue on the development process, since its lack greatly hinders the accountability process. Second, there is need to empower institutions and communities to play a more meaningful role in the process of governance. Support should be channelled to rural areas to help build a participatory and open system, as a viable participatory system is critical if communities are to monitor the reconstruction process and its activities.

The irony of the transition to multi-party democracy in Sierra Leone is that it has not affected in any way the functioning of the state. Effective state authority is still largely abysmal, since the institutions established to restrain public officials from corruption are undermined by the very authorities themselves. The ACC is a case of a crippled giant; while its continued relevance is unquestionable, its mode of operation needs to be more result-oriented and proactive. Focus must be given to its Prevention Department, and in particular the implementation of the National Anti-Corruption Strategy. Another problem relates to the chasm between institutional hardware and software: having the institutions set up is one thing; getting these institutions to impact public behaviour in a sustainable way is another issue altogether.

The case of Sierra Leone underlines the problematic dynamics of accountability in post-conflict reconstruction processes. To a large extent it reinforces the thesis that
post-conflict situations are not only prone to corruption, but that corruption is also an impacting factor on the evolution of accountability structures in post-conflict societies. From all indications it is evident that corruption, which was an instrumental factor in the collapse of the state, no doubt features as an element in its reconstruction. The Sierra Leone experience does not only exemplify that paradox but at the same time provides useful insight into some of the limitations in addressing corruption in transitional societies. Building strong mechanisms to address the issue of corruption is not only crucial for the viability of the reconstruction process, but constitutes a critical element to any attempt at building a democratic state and society in post-conflict Sierra Leone.
4. Corruption Profile

Successive regimes in Sierra Leone since independence blamed each other for the failure of not only putting in place the necessary institutions and structures to nip in the bud the problem of corruption, but also for becoming a party to it. For decades, the pervasiveness of corruption and the failure to deal with the problem of corruption on the part of successive governments was the order of the day. This state of affairs contributed most significantly to the eleven years of rebel war (1991–2002). Corruption and mismanagement became institutionalized in Sierra Leone from the 1970’s when the APC began to make increasing use of the patronage system to reward the party faithful. The fight against corruption in Sierra Leone is not a new phenomenon, even if it has not achieved substantial success (attempts at mitigating corruption in the body politic of Sierra Leone can be traced as far back as 1969 when the Beoku-Betts Commission of Enquiry was set up to probe the Sierra Leone Produce Marketing Board.). Dr. Siaka Stevens, the first Executive President of the First Republic of Sierra Leone in a broadcast to the nation on 27th April, 1971, a few days after the attainment of the republican status, devoted part of that broadcast to Ministers, Members of Parliament, civil servants, public officials and members of the armed forces and set out certain golden guidelines for the maintenance of probity in public life. He declared:

“They are the servants, and not the masters of the Sierra Leone people. We are all in office not for the sake of our personal ambitions but in order to make this [Sierra Leone] a better country to live in…. We are your representatives. We must devote ourselves to the public welfare, not to promote our own interest. We must set an example to the whole nation by living humble lives, leaving the money-making, property owing, big houses and cars to those private businessmen whose ambitions is to become rich. We are elected and paid by the ordinary people of Sierra Leone and entrusted with the responsibility of leading them to a better way of life. We must show that we are fit for this responsibility”.

Yet it was the regime of President Siaka Stevens (1968–1985), with twenty–five years of the All People’s Congress Party (APC) in power that saw the rise of corruption throughout political life. In the first phase, 1968-85, Sierra Leone was reduced to a one party system of government in 1978, which resulted in undermining the key tenets of democratic governance. Despite external factors like the oil crisis of the 1970s the regime was to a very large extent responsible for the economic decline in Sierra Leone. In the initial period of independence, Sierra Leone registered an average real Gross Domestic Product growth of 4.6% which exceeded significantly the annual average population growth rate of 2.1 % indicating rising living standards. However, by the mid 1970s economic growth declined considerably to 1.5 % per annum on average and became worse by the early 1980s. This was due to the inappropriate domestic policies of the APC Government, characterized by weak short–term development. Corruption, lack of transparency and accountability, plus a public administration that was highly centralized were other characteristics of the
APC regime. Civil service became highly politicized as workers joined the ruling party. In return for their loyalty, government employees were often shielded and pampered and allowed to increase the range of their powers and preserve opportunities for self-enrichment. The APC publicly acknowledged that there was corruption within its Government, and Commissions of Enquiry were held during the regime of Dr. Siaka Stevens during the 1970s. These were in fact set up on two occasions during the tenure of Dr Stevens to investigate the activities of civil servants and heads of parastatals. Properties were seized, bank accounts frozen, and some of the guilty were prohibited from holding public office for life. This was, however, a farce to placate the public, the frozen bank accounts were reinstated, confiscated properties were returned and banned officials were reinstated. Siaka Stevens openly supported corruption as he himself acquired a huge amount of wealth. He is quoted as having said that “usai you Tai kaw, na dae I dae it” (meaning “A cow grazes where it is tethered”). This expression more or less gave a free hand to all those who had access to public money to steal as they liked. Funds allocated for general development invariably found their way into the pockets of private individuals (one of the most well-known was termed the ‘voucher-gate’ scandal by the media whereby officials in the financial departments of government Ministries, including the Treasury, prepared fake vouchers for payment to certain contractors who had not done any actual work but by which they could nevertheless be paid).

The second phase of the APC rule (1985–1992) under the leadership of Dr. Joseph Saidu Momoh, did little or nothing to change the situation, and in fact corruption was intensified. Party supporters were rewarded with responsible positions in the civil service and parastatals irrespective of their qualifications. Mismanagement and misappropriation of public resources became rampant and condoned. Salaries ceased to be important as people with access to government coffers embezzled to pay themselves with impunity. Transparency and accountability vanished from the public administration system. For example a 1991 Parliamentary Committee on Infrastructure investigated and reported on the activities of the Sierra Ports Authority under the management of Hamburg Ports Consultancy (HPC). The Committee discovered among other things, that the extension and renewal of contracts with HPC was not done through the international bidding process as recommended by the World Bank in the Aide Memoir of the Appraisal Team. Between 1989-1996 $12 Million had been paid to HPC in contractual obligations excluding expenditures on other short-term consultancies. There were doubts as to whether the Government of Sierra Leone, regarding the incompetence of the HPC, should have paid such monies. The Committee on Infrastructure which has now ceased to exist also alleged the then Transport Minister entered into an agreement with HPC to receive an annual bribe of US$100,000.

In April 1992 APC rule came to an end as a result of a coup by the National Provisional Ruling Council (NPRC). The NPRC instituted Commissions of Enquiry to probe the APC administration “to examine the assets and other related matters of all persons who were Presidents, Vice Presidents, Ministers, Ministers of State and
Deputy Ministers, during 1986 to 1991 and to enquire into and investigate whether such assets were acquired lawfully or unlawfully. These Commissions found the Head of State Dr. Joseph Saidu Momoh guilty of corruption, and also some Ministers, public servants and Directors of Parastatals. These Commissions among other things recommended the confiscation of property, repayment of monies, the removal from official position and the banning from holding public office for up to 15 years.

This changed in 1996, when Sierra Leoneans voted for a new democratically elected Government, under the leadership of President Alhaj Dr. Ahmed Tejan Kabbah. Upon assuming power his Government decided to put in motion mechanisms and policies aimed at addressing the root causes of corruption, itself a feature of bad governance. These are indications that the Government has committed itself to change and good governance, be it in the areas of quality of service delivery, the justice system, anti–corruption policies etc. The impact of such government policies cannot be overemphasized, even against the backdrop of a country that is badly in need of stability and development.

On several occasions Kabbah appealed for a change of attitude on the part of all Sierra Leoneans vis-à-vis corruption. Integrity officers have been appointed by the ACC and placed in the six institutions that have been identified in the National Anti-Corruption Strategy (NACS) as corruption hot spots. These include: Education, Health, Agriculture, the Judiciary, Local Government and Mineral Resources. At the moment these officers seem to be doing very little since the NACS itself is under review and yet to be implemented.

Just a few months after the democratically elected Government was reinstalled by ECOMOG in March 1998, the SLPP Government unearthed an 800 million Leone loss (equivalent then to US$ 470,000) in the Ministry of Finance. Finance Minister Dr. James Jonah later attributed this to corrupt civil servants. This was followed by another scandal in 1999, when the sum of 1.2 billion Leones meant for teachers’ salaries was allegedly stolen in the Education Ministry, with the connivance of senior police officers. As if that was not enough, in August 1999, the erstwhile Minister of Agriculture and his Director–General were alleged to have embezzled 1.5 million US dollars of World Bank resources. Unusually, both were arrested and detained and brought before the law on criminal charges, and later on fined. Again, in August of 1998, billions of Leones were squandered on the repair of Government quarters allocated to Ministers. Finally, the successful appeal of the Anti-Corruption Commission’s conviction of the prominent former Minister for Transport and Communications and MP Momoh Pujeh illustrate the pitfalls of legitimately prosecuting alleged illegal mining and diamond smuggling in Sierra Leone as well as the need for the reform of this critical sector of the economy.

The importance of diamonds to Sierra Leone’s future is obvious and cannot be overstated. It is the country’s most valuable asset and its revenue vital for national development. However, the plague of widespread illegal mining and smuggling drastically reduces much-needed income for the state and people, as the Ministry of
Mineral Resources estimates that roughly half of the country’s potential diamond revenue is lost through illegal activities.

The recent highly politicized Pujeh case proved to be a high-profile battleground over the critical issue of illegal mining, and in particular the issue of licensing. In the year 2001 Momoh Pujeh was arrested and investigated by the Sierra Leone Police and charged by the Anti-Corruption Commission for the illegal possession of Le73,000,000 (US$26,000) worth of diamonds. Pujeh was alleged to have bought and sold the diamonds without a valid license, having instead used the license of his colleague, John Ndomawa. He was then convicted in accordance with existing legislation in September 2003 after a 13-month trial, and Pujeh immediately appealed the verdict to the High Court. Interestingly, Mr. Pujeh was issued mining licenses by the Ministry of Mines while he was standing trial.

In his appeal, Pujeh claimed that the deal had been legitimate since he was given Mr. Ndomawa’s license “to travel with the diamonds for onward sale,” stating that the law did not require him to register with the Ministry of Mineral Resources or to possess a license to export, deal, or mine diamonds in his own name. This assertion would imply that the mere physical possession of another’s license conferred its rights, in apparent contravention of existing laws and even the rules printed on the front of each mining license, which clearly state that “This license is not transferable.” The judge’s decision to uphold the appeal and overturn the conviction would appear that such a decision might contradict existing laws designed to ensure that diamond miners, sellers and exporters contribute to national revenue and thus development through the purchase of licenses and the legal sale of diamonds. Another issue that arose from the proceedings concerns the Government Gold and Diamond Office’s (GGDO) system of diamond valuation, as it was revealed that Pujeh was able to have his diamonds valued despite allegedly not possessing evidence that they were legally in his possession.

Indeed, and despite the claims of the government, corruption still remains prevalent. Examples include those from media reports and from cases investigated by the Auditor General, when preparing the report on the Accounts of Sierra Leone 1996–99 which was published in Freetown in 2002, and other inquiries. These have revealed that:

- Customs Department had colluded with traders to avoid paying state customs. In December 2002 revenue totalling Le170 billion and Le73 billion respectively were eaten up by corrupt customs officials. These were bribes accepted on two different occasions by customs officers. This has also been underlined by their flamboyant lifestyles totally at variance with their remuneration. Customs officers have been left over the years to amass wealth with reckless abandon. Some of them own two or three houses in Freetown and import goods into the country without paying customs duty.

- Unclaimed pensions for May, June and July 1997 totalling Le17, 310,731 were not paid back into revenue. Payments to 226 pensioners were considered
An amount of Le1, 215,825 of unclaimed pensions was not brought to account in June 1999. A total of Le32, 900,000 million was paid to pensioners’ purported representatives without relevant authority from such pensioners. Payments totalling Le15, 421,084 were considered doubtful.9

- Between July 1994 and November 1996 special remittances sent to the Government’s US Mission exceeded US$2 Million. Most of this amount was transferred to other accounts, including to accounts of other missions, without reason. Payments totalling US$140,000 were made for the construction of the Colorado Residence to sundry persons, some of whom were not in the construction business. Several inexplicable transfers were made to or mainly from the Colorado account. All the buildings owned by the Mission were uninsured, even though a group health insurance policy is maintained to cover all staff. Local staff continued to draw medical allowances totalling US$1,887. Minor equipment was rented instead of bought. The propriety of paying over US$14,000 for such rental within six months is not understood. This is a situation in which officials failed to demonstrate financial prudence.

- Sufficient details were not provided in respect of 2306 bags of rice valued at Le58, 136,000 bought and supplied to various educational institutions between August and October 1996. Between January and December 1998, the sum of Le1, 211,131 was paid to various teachers whose names were not on the staff list of their respective schools. The salary of five Education Ministry employees amounting to Le1, 112,943 continued to be signed for and collected even through the officials concerned had either died or not reported for duty. Contracts were awarded to various contractors by the Ministry for the supply of educational materials (school uniforms). Copies of the contract agreement drawn up and signed by the various contractors were not submitted for verification (therefore no accountability as to the money spent on the said items).10

- Furniture worth Le45, 884,850 was supplied direct to the headquarters of the Ministry of Health between November and December 1997, without going through the Central Medical Stores. Local purchase orders were prepared in small amounts to avoid exceeding the Le5 million ceiling exemption. From May 1997 to March 1998, drugs amounting to Le43, 229176 were issued without authority to hospitals under the pretext of emergencies.11

- As at 31st March 1997, there was a virtual breakdown in the entire financial administration of the National Power Authority. This enterprise registered a loss of Le8.2 billion in the 1996 and Le1.9 billion in the 1997 financial years. The cumulative loss at 31st March 1997 stood at Le13.65 billion. The auditors recommended a complete overhaul of the financial management systems. It is noted, however, that the services of the senior management of the authority have been terminated and the Board of Directors dissolved.

More recent cases include:
The Paramount Chieftaincy Restoration Project funded and supported by DFID. The objective was to help resettle displaced local chiefs to their communities. Evidence showing pictures of the houses that were constructed suggest that the projects intended objectives were not met as a result of several factors key amongst which were: poor planning, technical hiccups, security concerns and lack of proper coordination between the funding agency and the local implementing agency. Up to now, though the project is closed, its accounts are yet to be reconciled and its integrity remains in doubts.

In the case of the Sierra Leone State Lottery President Khabba dismissed the then Lotto management in September 1998 when it became known that the management had misappropriated funds through the payment of inflated salaries and allowances to its top management.

The National Electoral Commission was allocated funds allocated to conduct the 2002 post-conflict elections in Sierra Leone. The Anti Corruption Commission is yet to investigate senior officials including the Chief Electoral Commissioner, the Secretary and other Commissioners who are alleged to have diverted part of the funds for conducting the elections into their individual international bank accounts. This however impeded further donor support for conducting the Local Government Elections in April 2004. In the end, the International Fund for Electoral Services (IFES) was contracted to manage the funds for the organization of the local elections.

A contract was awarded to the MIK Trading Company by the Ministry of Education for the provision of educational materials to newly constructed and rehabilitated schools. It was alleged that most of the materials supplied were far below the standards demanded, with the presumption that some of the monies were diverted for personal benefit. While this issue is still awaiting an audit report into the contract, the contractor has been asked by the Ministry to supply the materials at his own cost.

To conclude, for almost three decades, Sierra Leone has been characterized by bad governance which manifested itself in, among other things, the absence of mass participation by Sierra Leoneans in the decision-making process, non-respect for the rule of law and human rights, a lack of accountability and transparency, a high incidence of corruption and mismanagement of the economy, the failure on the part of regimes in Sierra Leone (1968–1992, 1992–1996) to ensure basic human needs for Sierra Leoneans, a highly centralized government administration, a corrupt civil service, judiciary and police, political instability as a result of monopolization of political power, and conflict. The outcome of these issues is that, as noted above, corruption continues to be a significant issue today.
5. Anti-Corruption Activities

5.1 Government

Before the enactment of the Anti-corruption Act in 2000, as far back as the 1980s under the regime of All People’s Congress Party (APC) of Dr. Siaka Stevens, the judiciary under the penal code dealt with corrupt individuals and institutions. Commissions of Enquiry were also set up by Government to probe corruption; for example, the National Provisional Ruling Council (1992-6) instituted Commissions of Inquiry to probe former Ministers and top government officials of the APC Government, including parastatals. Since 1996, the Government had enacted legislation that revolved around minimizing corrupt practices in Government institutions by its officials. The Acts of Parliament are intended to ensure good governance. The enactment of the Anti-Corruption Act 2000 was unique since it has created a special institution that will primarily deal with probing corruption crimes not only in the public domain, but in the private sector as well.

The Government has moved to secure the services of two judges and prosecutors from the Commonwealth sponsored by DFID and also the recruitment of 4 consultants for the Law Officers Department to deal specifically with corruption cases. This will go a long way to improving the impartiality of the ACC, and will also strengthen its independence on the one hand, and discharge its duty more effectively and thus gain more credibility on the part of the body politic, on the other.

Since the ACC’s inception in 2000, corruption is still rampant, even in government departments. This has been due to several causes, including the conspiracy of silence, where people who know about the existence of corrupt practices fail to inform the appropriate authorities for action to be taken, and delay in bringing corrupt officials before the law. The fact still remains that in spite of the introduction of the ACC Act and presidential determination to fight corruption many politicians, public officers, civil servants and their accomplices are still bent on betraying public trust and civic responsibility for personal gain.

When President Dr. Ahmed Tejan Kasbah’s Government assumed power in 1996 through democratic elections, he declared war against corruption. On several occasions he appealed for a change of attitude on the part of all Sierra Leoneans vis-à-vis corruption. “I have personally committed myself to the continuing fight against corruption at all levels of our society both in the public and private sector. Honourable members, I need your help in this struggle against this enemy of the nation. I entreat you to regard corruption as a national security issue. It is that serious…. We will continue to maintain zero tolerance for corruption”. Integrity officers have been appointed by the ACC and placed in the six institutions that have been identified in the National Anti-Corruption Strategy (NACS) as corruption hot spots. These include: Education, Health, Agriculture, the Judiciary, Local Government and Mineral Resources.
5.1.1 The National Anti-Corruption Strategy

This Strategy is the manifestation of the political will and commitment of the Executive to fight against corruption at all levels in Sierra Leone. According to President Kabbah in the formal launching ceremony of the NACS, “we cannot afford to be indifferent to the evil effects corruption has on the political, economic and social development of the country. The need to eradicate corruption is society is and must remain the principal focus of all well meaning governments if the best interests of the people they govern are to be well served”. The NACS is also:

- An opportunity to break with the past and work towards a corruption-free Sierra Leone with the involvement of all levels of society;
- A document that identifies the causes of and attitudes towards corruption and outlines the measures needed to reduce opportunities for corrupt acts to occur;
- A snapshot of where the country is in the fight against corruption today. It is not a static document but one that will be constantly updated as measures are implemented and new possible threats are identified;
- A document that puts anti-corruption measures into the Sierra Leonean context.

Status of the NACS

Immediately after the launching of the NACS on February 15 2005 by His Excellency, the President, Alhaji Dr, Ahmed Tejan Kabbah, the ACC took a bold step in implementing the recommendations. The first major step which NAG and other CSOs participated in was a country-wide dissemination of the document to literate members of the country.

A working group of CSOs was then formed under the leadership of NAG to effectively monitor the implementation of the NACS. So far not much has been done. The only significant development has been the appointment of integrity officers in the following six corruption hot spots: Education; Health; Agriculture; Local Government; Judiciary and Mineral Resources.

In an interview with the current Commissioner of the ACC, he mentioned that the delay in the implementation of the NACS had been as a result of the change in leadership of the ACC, as the current administration has been busy thoroughly restructuring the Commission. He assured that very soon, when “all ends would have met”, implementation will take place. In the meantime however, the NACS working group has been meeting to discuss strategies to constantly follow up with the ACC to continue the full implementation of the NACS and henceforth embark on effective monitoring.
5.2 Donors

There are several bilateral and multilateral donor agencies and embassies based in the country these include; DFID, UNDP IFES, NDI USAID, Thomson Foundation, OSIWA, GTZ, World Bank, IMF European Union, CIDA, Westminster Foundation, and the British Council. The donors have supported the following anti-corruption initiatives:

- Ethics Accountability and Transparency Seminar in Governance USA, 22 July – 10 August 2001, Hosted and funded by the US Department of State International Visitors program.


- DFID funded World Bank Country Profile of Financial Accountability Study to review the computerized information systems supporting the Budgeting, Internal Control, Accounting and Financial Reporting components of public expenditure.

- EU funded the recruitment of skilled contract personnel in the AG Department and Budget programs in areas such as:
  - Improved budget preparation, budgetary control and expenditure management.
  - Improved expenditure accounting, monitoring and reporting.
  - Reduced fraud and waste.
  - Fair, efficient and sustainable system for raising revenue.
  - Improved sustainability through institutional strengthening and capacity building.

- UNDP contributed to the funding of the costs of Public Expenditure Tracking Survey (PETS) from January – June 2001. A key objective of the survey was to track expenditures from the central Ministry, the headquarters in Freetown to regional and district offices and to measure improvements in the quality of service delivery at facility and community levels using indicators from the 2000 Baseline Service Delivery Survey.

- USAID funded Education for Peace (which included over 10,000 ex-combatants), also providing training in self-awareness, individual rights, and literacy.
• UNDP/IAPSO funded an assessment, evaluation and description of Sierra Leone’s procurement functions.

Sierra Leoneans continue to create civil society organisations; this is evident especially in a post conflict Sierra Leone. They are mainly dependent on external donors for their funding. Almost all the projects undertaken by civil society are to a large extent funded by external donors. Civil society groups range from organisations dealing with such issues as: human rights, corruption, women’s empowerment, legal profession, farmers, businessmen, religion, media, academic students, trade unions, youth etc. A great deal of sensitization has been done and continues to be carried out on corruption, human rights etc.

Donor support to governance institutions has been crucial to the successful activities undertaken by the institutions; otherwise it would have been impossible. At the moment civil society has not been able to mobilize domestic resources for the successful implementation of its projects, and this is also against the backdrop of inadequate funding from the Government. Donor funding has therefore been crucial to the successful implementation of the ACC, even with government funding from the consolidated fund.

Local organisations despite the funding they receive from INGOs are having problems in building up the capacity of their organisations. This is so because the usual practice for donors is not to support the payment of salaries, rent for the premises etc., and also funding is usually limited and there are few donors around. This lack of institutional support limits to a great extent the effectiveness of civil society organisations. Except for few local NGOs the life span of majority is very short.

The ACC however has been gradually developing its capacity through donor funding, particularly from DFID, through sponsorship of study tours of Commissioners or staff members, sponsoring training of personnel, provision of equipment (computers and accessories) vehicles, rehabilitation of infrastructure such as the law courts etc. Most of the governance institutions that have been supported by donor funding such as the police, the judiciary, local government, ACC, the AG’s office, the Army, etc have manifested a positive impact, and the results, so far, are encouraging. Political interference has been greatly minimized, since Government is aware that it will militate against donor assistance by destroying these governance institutions.

5.2.1 Donor Cooperation or Coordination:

The Government has set up a National Directorate, the Development Assistance Coordinating Office (DACO). Together with its development partners it has come to recognize the need for aid coordination. For some time now, aid has been characterized by fragmentation. The Consultative Group (CG), meeting in Paris in November 2002, resolved to overhaul the aid management landscape in Sierra Leone. The aim among others is to support dialogue on policy issues between Government and donors to ensure effective external assistance coordination, tracking, monitoring and evaluation in order to achieve increased and effective utilization of external aid.
resources. DACO will be chaired by the Vice President and headed by a National Director. Since it’s inception it has enhanced the collaboration between Sierra Leone and its donor partners. Today one can see donor partners actively engaged in ensuring good governance in certain crucial departments.

5.2.2 Effectiveness of Government and Donor Activities

Corruption should become an agenda item in Cabinet discussion. Government must also extend responsibility to every Ministry and Department and encourage them to pronounce their determination to fight corruption, waste and inefficiency in areas under their control. Government must not only focus on punishment, but also on preventive measures.

Donor intervention has been very crucial in areas directed to combat corruption. The ACC has been doing a lot in the area of sensitisation due to the support given to it by DFID. This also includes building the capacity of the Anti-Corruption Commission, the provision of equipment and vehicles, training of personnel, sponsoring of air tickets to facilitate the participation of officials in other anti-corruption institutions. Though the interventions of donors have been helpful, it has not brought about the desired impact nationwide, because of the limitation of funds from both Government and donors.

The inadequate operational fund has limited the expansion of the scope of activities of the ACC, which would have given it greater impact all over the country. There is need for more government and donor intervention in the areas of investigation and prosecution. The recruitment of two judges and a prosecutor, sponsored by DFID and the Commonwealth Secretariat, will impact these areas.

The police force has been receiving support from DFID, which has helped to capacitate that institution, making it effective in executing its functions vis-à-vis arresting and prosecuting corrupt people. Training of police in the area of prosecution is also been carried out under DFID sponsorship. The DPP, however, has constraints, such as the lack of logistics to facilitate crucial proceedings against violations of the law, and conditions of service are also poor.

5.3 General

5.3.1 Dynamics of Corruption in Contemporary Sierra Leone

Corruption has proven to be a major stumbling block in the establishment of an effective and modern state in Sierra Leone. The recent Transparency International Corruption Perception Index of 2005 places Sierra Leone 118 out of 146 in their ranking, which places Sierra Leone in the bottom 10% of the perceived most corrupt countries. The 2002 Anti-Corruption Commission report revealed that 95.6% of respondents indicated that corruption is rampant in most government departments.15
The extent of corruption in every sector is nearly impossible to assess, but it is clear to say, based on our own survey evidence, that corruption is endemic in the system. In 2005 our corruption household survey indicated that 94% of respondents thought corruption was widespread. It also revealed that 97% of respondents believe that corruption is a serious problem.

Overall Sierra Leone has to address corruption on a number of fronts. These include the financial poverty of the state, social and cultural conditions, the inadequacies of the state’s capacity for regulating and controlling business, the impact of leadership, party and political influences on relations (especially clientelism) and a legacy of corruption in successive Governments. Among the major causes of corruption in Sierra Leone are:

- Poor conditions of service, characterized by low salaries and wages over the years, are a contributing factor to corruption in Sierra Leone. Neither civil servants nor other wage earners get salaries and wages that ensure at least an average living standard.

- Pressures and demands from extended family members are a problem. As a traditional society, over two-thirds of the population of Sierra Leone is impacted by the extended family system, whereby family relations seek the help of other relations, which could either be on a permanent or temporary basis. This has impacted on the lives of elites, who because of limited resources become corrupt in order to meet their obligations.

- There is an absence of deterrent measures to check or deal with cases of corruption. Despite the activities of the Anti-Corruption Commission, culprits charged with corruption have not been promptly prosecuted or adequately punished. Government has however taken measures to ensure the speedy trial of culprits charged with corruption.

- There is bad leadership – political, social and religious. In some of the spheres of governance, this is characterized by the failure of those entrusted with responsibility to provide an example of good leadership that may serve as a model to others. This has been attributed to political patronage.

- There is a high level of poverty, with Sierra Leone being one of the poorest countries with a very low standard of living, as reflected over the years in the United Nations Development Program Development Index.

- Greed and selfishness mean that most Sierra Leoneans do not want to share with their fellow citizens. It is not uncommon to see the gap between the life styles of the very rich and the poor.

- Most Sierra Leoneans are ignorant of the dangers of corruption and even the need to stamp it out. Corruption is seen as normal and constitutes no danger to society.
The influences cross all aspects of society. Thus traditional cultures and political patronage continue to exercise significant influence. In Sierra Leone tradition dictates that the traditional rulers are given gifts, be it some amount of money or in kind. This is usually done when one is about to have a meeting say with a Traditional Ruler. This gift is seen as paying homage to tradition. The fact remains however, that failure to observe such a tradition will be frowned upon.

Then corruption between the private sector and the state has developed. Over the years, the private sector has been narrow and mainly dominated by non-Sierra Leoneans. This has been against the background of the Sierra Leone Government’s participation in the economic sphere of the country as manifested in its creation of parastatals. The Government of Sierra Leone for over three decades did little or nothing to provide the vital services essential for the private sector to flourish. What the Government did was to compete with the private sector, even though the private sector could carry out such economic activities more efficiently. Corrupt practices have been carried out between government officials and heads of parastatals on the one hand, and between the private sector and government officials on the other. There has been a dismal failure of state enterprises because of their political nature and the political interference that characterized them, with their heads being appointed for political reasons and not based on merit.

Within the political world, an important feature in the history of party politics in Sierra Leone is the existence of political patronage and clientelism. Political party campaigns are usually characterized by promises made by party leaders to supporters. Party supporters with financial clout also support party campaign programs aimed at winning elections or supporting a government to maintain power. There is a perception that gaining political power is the surest way to make quick money, either by becoming an official of government or getting favours from government officials as a party stalwart. There is a tendency for top government jobs, be it in the parastatals or in other areas, or government contracts etc, to be given to party clients by their political patrons.

Corruption is firmly rooted at street level, prevalent in the police service, the courts, immigration, Income Tax Department, Passports Office, National Registration, Sierra Leone Ports Authority, National Power Authority, Birth and Death Registration Office, and the Sierra Leone Military Electricity. For example, it is usual for a member of the police to accept a bribe from a taxi driver when he has violated the traffic rules, or for the police not to enforce the traffic rules because of his acquaintance with that particular driver. One can get a passport officially for Le 100,000 (£20) but it could be delayed unless one gives more than the official amount – then one is sure to get it within days. The same goes for customs, where the officer will exploit the ignorance of the tariff on the part of the customer. The customs officer will demand, or the customer will suggest, that a bribe is given for the goods, or so that items be undervalued by the officer, or even for not paying any customs duty at all on the item. This is also the case where the public applies for other documentation, be it an identity card, or a birth certificate.
As outlined in Section 2 of the National Anti-Corruption Strategy (NACS), Corruption Hot Spots – Institutional Risks for Corruption and Priority Reforms in Sierra Leone - the main concerns for the citizens of Sierra Leone (as seen from complaints to the ACC; studies and survey/focus group evidence) are from the Education, Health and Judiciary departments. In short, these areas of the public service which citizens are most often exposed to are seen as being rampant with corruption. With the apparent inability and lack of political will to control corruption at the national level, it has been feared that local government will not be any less corrupt and any more effective at bringing progress and development to the people.

Though efforts are underway to decentralize government administration in Sierra Leone, centralized authority over the years has posed problems of accountability and transparency. This situation was revealed by the Public Expenditure Tracking Survey (PETS). Though stakeholders claimed to have transferred substantial amounts of budgetary allocations to the regions, even in terms of goods and equipment, there is scanty information available on the level of funds transferred to the regions and districts. The paucity of records of actual transfer in monetary value poses problems for accountability and transparency. The lack of accountability mechanisms in place at the local level is a cause for alarm, especially considering the broad mandate given to local councils to manage natural resources, as well as to levy and collect taxes. Thus, it is also feared that the decentralization process could likely result in the decentralization of corruption.

Overall, the political and economic effects of corruption in Sierra Leone can be seen in the decline in real per capita incomes, persistent inflation, a widening budget and balance of payment deficits and declining official production and exports. Sierra Leone has been unable to derive the full benefits from its enormous mineral and marine resources because of corruption and mismanagement, especially in the trade in diamonds, which has been exposed to rampant smuggling and other related illegal activities.

Corruption stands out prominently as a crucial factor responsible for the weakening of the financial base of the Government of Sierra Leone. Over the years, Government has not been able to mobilize the needed revenue to ensure development. This has caused Sierra Leone’s budgetary deficit, characterized by Government’s inability to raise adequate revenue to finance its expenditures, especially its public services. The budget deficit increased from its extremely low level in 1970/71 to about 10% in 1990/91 and continued to increase in real terms due to weak fiscal management, corruption and wasteful spending. Government’s inability to mobilize its revenue has been due to the fact that its institutions and structures over the years (moves are now underway to improve the situation) have not only been weak, but also highly corrupt, these included Government Ministries, Departments and Parastatals.

Corruption also led to massive neglect of the social sector, which substantially decreased the quality of human resources in Sierra Leone. The ruling class did little or nothing to provide, among others, educational and health opportunities, thus impacting negatively on quality of life, labour, productivity, incomes, innovativeness,
competitiveness and poverty reduction. The gravity of the situation was depicted by the action of the United Nations rating of Sierra Leone as the least developed and poorest country in the world on the basis of its appalling socio-economic statistics and near collapsed infrastructures. Its population is characterized by, among others, high levels of illiteracy, infant under/five and maternal mortality rates, a low life expectancy at birth rate, poor access to safe drinking water, sanitation and health services and high levels of unemployment and underemployment. 21
6. The National Integrity System

6.1 Executive

According to Chapter 5, Part 1 of the 1991 Constitution of Sierra Leone, the head of the executive arm of the Sierra Leone Government is the President. The Constitution vests all executive power in the President. He is the Head of State, the supreme executive authority of the Republic and Commander-in-Chief of the Armed Forces. The President is the Foundation of Honour and Justice and the symbol of National Unity and Sovereignty. He is the guardian of the Constitution and guarantor of national independence and territorial integrity and also ensures respect for treaties and international agreements. He is responsible for: all constitutional matters concerning legislation; relations with foreign states; the reception of envoys accredited to Sierra Leone and the appointment of principal representatives of Sierra Leone abroad; the execution of treaties, agreements or conventions in the name of Sierra Leone; the exercise of the Prerogative of Mercy; the grant of Honours and Awards; the declaration of war; and such matters as may be referred to the President by Parliament.

The President has the power to appoint persons qualified to hold positions such as: the Attorney General, the Solicitor-General, the Director of Public Prosecutions, the Secretary to the President, the Secretary to the Cabinet, the Chief Justice, and any Justice of the Supreme Court, the Auditor-General, the sole Commissioner or the Chairman and other members of any Commission established by the Sierra Leone Constitution, the Chairman and other members of the governing body or any corporation established by an Act of Parliament.

According to section 71, the President is also responsible for appointing certain officers to work abroad and the offices of Permanent Secretaries, the Governor of the Bank of Sierra Leone and other members of the governing body of any state Bank or Financial Institution are also under his appointment.

The President of Sierra Leone is elected by popular vote, but no person shall stand as a candidate in a presidential election if he or she is not a candidate nominated by a political party. President Kabbah is on the party ticket of the Sierra Leone People’s Party.

The President of Sierra Leone is subject to removal from office if found guilty of gross misconduct that is incompatible to the laws of the state according to section 51 (1) of the 1991 Constitution. The process of removal of the President from office will require a written motion to the Speaker signed by a two-thirds majority of Members of Parliament. The allegations will be discussed by a tribunal consisting of a Justice of the Supreme Court. If the allegations against the President are substantiated, and two-thirds of the entire membership of Parliament supports a motion to the effect that the President has been guilty, he shall then cease to hold office and a vacancy shall be declared.
The provision for the impeachment of a President when the Constitution is violated or he/she is engaged in certain activities inimical to good governance is aimed at the limitation of presidential power from abuse. Since independence the Parliament of Sierra Leone has never put up a motion for the impeachment of it Head of State. This is understandable, since before 1996, Parliament was to a large extent not independent, because of the existence of a one-party system of government. Both the President and the parliamentary representatives are elected separately by the people unlike the previous parliamentary system where the party with the majority formed the Government.

The 1991 Constitution, which became effective on March 29 1996 fashioned a form of representative democracy that combines both the elements of the presidential and parliamentary systems. The 1991 Constitution of Sierra Leone is a radical departure from the 1978 Constitution by which the President appointed his Ministers from Parliament. The present Constitution provides that no Member of Parliament shall be appointed Minister or Deputy Minister; 56 (1). This presupposes that an appointed Minister must not have been someone that contested and lost as a candidate in the general elections immediately preceding his nomination for appointment 56 (2) (b). All Ministers and Deputies are appointed by the President. Executive power is vested in the President who is directly voted for by the people and members of his Cabinet are drawn from outside Parliament. This is accordance with the 1991 Constitution, which gives the President powers to appoint all his Ministers and Deputies outside Parliament. Sierra Leone does not have a Prime Minister; President Kabbah occupies the position of an Executive President, in accordance with the Constitution of Sierra Leone.

A Minister could be called upon to answer parliamentary questions, or to explain certain queries pertaining to his or her Ministry.

According to the 1991 Constitution, the functions of the President within the separation of power principles, has the effect of limiting his powers of political negotiation. Parliament in the new political dispensation is a formidable group, with its own prerogative, powers and principles operating quite independently from the President, according to the 1991 Constitution. For instance, whatever the Government wants to do, such as raising money to carry out its functions or making appointments to higher offices, including Ministers, Ambassadors and Directors of Parastatals, must, according to section 114 (1-4) of the Constitution of Sierra Leone, receive approval from Parliament before they can take effect.

6.1.1 Cabinet

Section 59(1) of the Sierra Leone Constitution provides for the establishment of a Cabinet whose functions shall be to advise the President on the governance of Sierra Leone. The Cabinet consists of the President, the Vice-President and such Ministers as the President may from time to time appoint. In the exercise of his functions, the President may act in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet except in case where, by the 1991
Constitution or any other law, he is required to act with the approval of Parliament or in accordance with the advice of any person or authority other than Cabinet. There are 31 Ministers in the Cabinet of Sierra Leone. The President appoints all his Ministers from outside Parliament. The Constitution stipulates that a person shall not be appointed a Minister or Deputy Minister unless: he is qualified to be elected as a Member of Parliament; and he has not contested and lost as a candidate in the general election immediately preceding his nomination for appointment, and his nomination is approved by Parliament.

In order to avoid corruption and to also ensure that public and private interests do not conflict with each other, a Minister or a Deputy Minister should not be involved with any conflict of interest. Section 56 (3) of the 1991 Constitution states that a Minister or Deputy Minister, shall not while he continues in office, hold any other office or profit or, emolument whether by way of allowance or otherwise whether private or public and either directly or indirectly, as a manager of an establishment, notwithstanding the fact, that he can have a management serve on his behalf. This is enforced in respect of the official aspect, in that a Minister, or Deputy, while holding a public position is not allowed holding any other public office. This is however not the case in the private sense, as many public officials hold private positions while under official appointment.

Ministries in Sierra Leone are each under the supervision of a Minister and Deputy Ministers. A resident Minister is appointed to each of the three provinces in Sierra Leone, (North, South and East). While Ministers and their Deputies are in charge of their respective Ministries, the actual administration of these Ministries and Departments is carried out by the civil service which constitutes the administrative arm of the Executive; this is usually the Permanent Secretary, the Departmental head of each Ministry.

There is no constitutional provision in the Constitution of Sierra Leone that requires the President and his Ministers to declare their assets and liabilities, and open them to public inspection. The practice however, is that when an individual appointed by the President as Minister and Deputy Minister respectively, one of the requirements by Parliament is the declaration of assets and liabilities of the said prospective Ministers, Deputy Ministers, and top government officials. Presidential nominees, usually on appointment and public servants face Parliamentary Committees which look at the personality in question as to his or her past record in terms of qualification and credibility. The nominee will have to declare his or her assets both moveable and unmovable, bank balance, police and income tax clearance and should also submit personal CV. The Committee comprises of members of both the governing party and the opposition.

If a nominee is found not to be credible, or fails to properly declare his or her assets or also fails to produce a tax clearance, approval is usually denied. There were cases of the Parliamentary Committee rejecting the appointment of certain individuals as Ministers after the 1996 parliamentary and presidential elections.
Currently, this is what happens where appointments are made by the President for some one to become a Minister or Deputy, head of a parastatals, a member of the board of directors, or any other public office that must be filled by a presidential nominee. Nominees will have to face the Appointments Committee of Parliament which is the only body that can confirm presidential nominations to serve in various parastatals and commissions. In the case of Eke Halloway, former Minister of Justice and Attorney General, he acted in that position without approval from Parliament. The Sierra Leone Bar Association protested against such an appointment arguing that the two positions belong to the Executive and judiciary arms of Government respectively. Further, civil society argued that as a Minister of Government, the Attorney General is likely to protect corrupt government officials whose cases are forwarded to him by the ACC. The case was then taken to the Supreme Court and it was decided that the Attorney General need not be subject to parliamentary approval. (Sierra Leone Bar Association vs. Attorney General - Eke Halloway et al (March 2004).

There is no legislation however that specifically deals with conflict of interest rules for Ministers, Deputy Ministers, top government officials and civil servants in general. In this regard, the ACC has recommended for inclusion of a Conflict of Interest clause into the Anti-Corruption Act to ensure that civil servants do not use their public position to influence purchases by Government Ministries and Departments of goods and services from firms in which they have a financial interest. This is against the background that procurement constitutes a substantial proportion of government expenditure, which makes it a critical function of the Government’s performance. The fact that the Government budget is highly dependent on external aid flows makes procurement reform a crucial factor. An additional safeguard will be the requirement of all public officials to maintain and complete a personal assets register.

It is an issue the President himself has addressed on a number of occasions.

“The absence of Interest Rules for Ministers and Top Government Officials has been causing the Government of Sierra Leone an estimated amount of $30 to 40 million per annum. You will recall that in my last address to Parliament I spoke of the need to reform and ultimately decentralize our procurement system which traditionally was riddled with corrupt practices, causing leakages of public funds. We have advanced significantly in that direction we are grateful for the technical assistance from the UNDP which has conducted a review of that system. This review showed that the country loses a considerable amount of Leones each year through improper and inefficient procurement practices. It is estimated that between 2003 and 2005, the country lost about Le 70 billion every year. The Procurement Reform Steering Committee, which includes donor partners and chaired by the Honourable Vice–President, now has the responsibility to ensure that a new and decentralized system is instituted”.

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According to the Anti-Corruption Act 2000, all public officials in the offices of the President, Vice President, including Ministers, Deputy Ministers, Attorney-General and Minister of Justice, Members of Parliament, Magistrates, Judges of the Superior Court, and officers in the armed forces, the police force, a public corporation or on the board thereof, the local authority, any Commission or Committee established by or under the Constitution or by or under any law or by the Government are prohibited from accepting any form of advantage or gift in connection with their official duties. The President’s special permission is required for a gift to be accepted. His permission is deemed to be granted in relation to the acceptance of a gift of customary nature by paramount chiefs and recognized as appropriate by custom. Both the President and Ministers are held accountable by Parliament. They could be invited to answer queries or explain the way and manner they carry out their responsibilities and duties. They do not attend Committee meetings, but could be summoned by any Parliamentary Committee, when there is need to do so. There are yet no rules that govern post ministerial and post public service employment.

6.2 Legislature

According to the 1991 Constitution, Parliament is the supreme law making body of the state, and the principal agent for the enforcement of democracy. In other words, it is the arbiter between the Executive and the people to ensure democratic accountability and transparency. In this sense, it could be said to be the first branch of Government. The Legislature was formed on the 27th of April, in 1961 (Independence Legislature).

The principal characteristics of the current Parliament are as follows:

- It is representative. It comprises 96 ordinary members and 12 Paramount Chiefs representing the country’s twelve districts, plus a Speaker and Deputy Speaker elected by the 108 member Parliament.

- It is organized but not effective. Though with some amount of party indiscipline, it does not represent a united challenge to Government, since the present Parliament is dominated by the SLPP by (83 out of 96 elected members).

- The SLPP is always assured of a majority when it wants to pass a bill in Parliament.

In the Sierra Leone Parliament there is a structure of parliamentary committees. Parliament has 33 committees, five of which are specialized committees. These are: the Committee of Selection; the Standing Orders Committee, the Public Petition Committee, the House Committee and the Business Committee. Section 93 of the 1991 Constitution states the general functions of the committees as follows: to investigate or inquire into the activities or administration of Ministries or Departments as they may be assigned to it. For instance, the Public Accounts Committee is responsible to ensure the judicious use of state finances. The Executive, Government Ministries and Departments could be requested by this Committee to give a full
account as to how government finances have been disbursed at a given period, thus it is responsible for the annual financial report submitted by the Auditor–General, and the budget from the Ministry of Finance.

6.2.1 National Budget

A crucial role performed by Parliament in the area of finance, is that of controlling the raising and spending of the public fund (Section 110 (1), Section 112 (1) 113, 114, (1) of the Sierra Leone Constitution). According to section 112 (1) of the Constitution, subject to its section 107 the Minister responsible for finance shall prepare and lay before Parliament in each financial year estimates of the revenues and expenditures of Sierra Leone for the next following financial year, under an Appropriation Bill. There are certain categories of public expenditure viz salaries and allowances that shall be paid to the holders without Legislature approval by Parliament but may be prescribed by or under any law. These include the Offices of the President, Vice-President, Attorney-General and Minister of Justice, Ministers, Deputy Ministers, the Chief Justice, a Justice of the Supreme Court, the Director of Public Prosecutions, the Chairman and Members of the Electoral Commission, the Chairman and Members of the Public Service Commission and the Auditor-General (Section 115 (4)). Loans require Legislature approval. In 2003 donor funds accounted for 85% of the National Budget.

6.2.2 Rules Concerning Gifts and Hospitality for Parliamentarians (MPs), Registration and Disclosure of Financial Interests

In Sierra Leone public officials, including MPs are by law prohibited from accepting any form of advantage or gift in connection with their official duties and special permission is required from the President for a gift to be accepted. His permission is deemed to be granted in relation to the acceptance of a gift of customary nature by paramount chiefs and recognized as appropriate by custom.24

There are no specific rules that govern gifts and hospitality for both Parliamentarians and Ministers. They do not operate even a gift register that will ensure the recording of instances and circumstances under which they were offered any advantage.25 Politicians and others in public positions have been urged by officials of the ACC to introduce systems and procedures that will aid transparency and provide an audit trail which will bring about public servants regaining the trust and confidence of the people of Sierra Leone.

Parliament is not effective in the sense that it passes all legislation for socio-economic development. The present Parliament also complements the Executive since the governing party, the Sierra Leone People's Party, has 83 Members of Parliament as against 24 of the opposition, thereby giving the Sierra Leone People’s Party edge over the opposition All People's Congress, and the People’s Liberation Party, even in terms of adopting legislation coming from them. The overwhelming majority of the ruling party in Parliament greatly undermines its effectiveness in terms of debating and decision making. This is because the Parliament, which in function should be
independent of the Executive, on the contrary, is more answerable to the Government at the expense of the general public, whose interest they should be representing.

6.3 Electoral Commission

Section 32 (1) of the Constitution provides for the creation of an independent National Electoral Commission. It is responsible for the conduct and supervision of the registration of voters for, and of all public election and referenda and for that purpose shall have power to make regulation by statutory instrument for the registration of voters, the conduct of presidential, parliamentary or local government elections and referenda, and other matters connected therewith, including regulations for voting by proxy.

It comprises a Chief Electoral Commissioner who is the chairman and 4 others who are the Electoral Commissioners representing each of the four districts in Sierra Leone – Western Area, Southern Province, Eastern Province and Northern Province. Members of the Commission are appointed by the President after consultation with the leaders of all registered political parties and subject to the approval of Parliament. They serve periods of five years. A member of the Electoral Commission may be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour Section 32 (8). No person shall be appointed Commissioner if he/she is not qualified to be elected as a Member of Parliament or of he/she is a Minister, Deputy Minister, a Member of Parliament, or a public officer or if he/she has attained the age of 65 years.

A major function of the Electoral Commission is the registration of voters and the conduct of elections in each Constituency or District. The registration of voters is conducted between 12–9 months preceding the presidential and parliamentary elections, once every five years. To be eligible for registration as a voter, one must be a citizen of Sierra Leone, 18 years of age and above and of sound mind, and he must possess a National Registration Card for voters. In the May 14 2002 elections 1,907,445 voted out of an estimated 2.3 million eligible voters registered. This represents over 82 percent of eligible voters. This constituted a significant increase of over 1.5 million that registered in 1996, and is a significant enfranchisement of Sierra Leoneans. It also augurs well for the accountability of elected leaders to their people. Reasons for the high number of registered voters include: the increase in awareness of Sierra Leoneans to take part in elections at a critical moment of the politics in Sierra Leone, particularly at the end of the 11 years of rebel war; the extension of the period for voter registration to 54 days, which gave ample time to the people; the introduction of many registration centres at regional and districts levels.

Despite the fact that the NEC is funded by Government, it enjoys autonomy. The past two general elections i.e. 1996 and 2002 were highly funded by the international community, including DFID, USA, CHINA, and IFES. DFID and the USA through IFES sponsored the sensitization program and the provision of the voting materials e.g. ballot papers and also the provision of vehicles. China provided some bicycles.
The funding of the Commission comes from the consolidated fund. The current Commission also enjoys the relative confidence of all stakeholders.

6.4 Political Party Funding and Expenditure

Sierra Leone has eleven registered political parties, most of which exist only on paper. The major parties include the ruling Sierra Leone People’s Party (SLPP), the All People’s Congress Party (APC). Eleven political parties registered to participate in the May 14 2002 parliamentary and presidential elections. Political parties are registered under and are regulated by the Political Parties Act 2002. Under this Act, the Administrator and Registrar-General is responsible to the Political Parties Registration Commission, which consists of a Chairman, with three other members, appointed by the President. These include the Chief Electoral Commissioner, a legal practitioner nominated by the Bar Association, and a member nominated by the Sierra Leone Labour Congress.

Members of this Commission, other than the Chief Electoral Commissioner, are appointed by the President, subject to the approval of Parliament.

The Registrar-General is responsible for the receiving and processing of applications for the registration of political parties for the consideration and decision of the Commission; the verification of particulars of political parties submitted either with an application for registration or periodically or with the declaration of assets under this Act. Pursuant to subsection (5) of section 35 of the Constitution, the Commission shall refuse to register as a political party any association by whatever name called if the Commission is satisfied that the membership or leadership of the association is restricted to members of any particular tribal, ethnic group or religious faith; or includes a non-citizen or a person prohibited from membership or leadership of a political party under the Constitution or this Act.

There are rules on political party funding and laws that compel political parties to publish their accounts disclosing their source of funding. Every political party, after the issue to it of a final certificate of registration under section 12, submits to the Commission a written declaration giving details of all its assets and expenditure, including all constitutions, donations or pledges of contributions or donations, whether in cash or in kind, made or to be made to the initial assets of the party by its founding members in respect of the first years of its existence. They shall be audited not later than three months after the end of each year by an auditor referred to in subsection 3 of section 20 of the Political Parties Act 2002, and an audited copy filed by the political party with the Commission within the period of three months after the year end. This means it is an annual process.

According section 118 (b) of the Electoral Laws Act, 2002, no candidate or political party shall during election campaign period abuse or engage in the improper use of government property for political propaganda purposes. Furthermore, the regulations prohibit interference with lawful public meetings; prevention of election by force, violence or threats; and use of bribery. While the High Court can invalidate
parliamentary election results on account of corruption by the winner or his agents, the Supreme Court can invalidate parliamentary election results when the issue borders around the Constitution by declaring the said election null and void, and the calling of a by-election.

According to section 19 (1) of the Political Parties Act, 2002, the source of funding of a political party, shall be limited to contributions or donations whether in cash or in kind from registered voters in Sierra Leone. Section 19 (2) states that the Political Parties Registration Commission may provide limitation on the amount of contributions or donations made to a political party. Section 20 (1) requests all registered political parties to submit to the Commission a written declaration, giving details of all its assets and expenditure, including all contributions, donations, or pledges of contributions or donations.

The declaration must also state the source of all funds and other assets of the political party or representatives. Section 20 (4) requests political parties to declare their incomes, assets and liabilities together with its audited accounts. The declaration of accounts is published as a Government Notice by the Commission. In practice however, proper monitoring is not been carried out on party expenditure. Political parties in Sierra Leone are generally weak. Most of them are identified with a particular personality rather than ideology. There is no fundamental ideological difference between the political parties in Sierra Leone. Defections usually however, come from the opposition party to the ruling party. This situation has characterized party politics in Sierra Leone for decades, and is mainly for selfish interest. This tendency is against the backdrop that it is the ruling party that offers greater opportunities such as jobs, contracts and other perquisites, which are usually beyond the reach of opposition parties.

Most of the parties do not practice internal democracy and are characterized by bad governance, manifested by a high degree of intolerance between and among the party membership. Some parties do not always hold conventions to elect their leadership. They usually organize themselves informally particularly when general elections are about to take place, after which the whole party structure collapses.

The opposition parties often fail to work together, even in furtherance of their common interests. For instance, a ‘Grand Alliance’ was formed by opposition parties at the start of the May 14 2002 elections in Sierra Leone. Though the major objective was to defeat the Sierra Leone Peoples Party, the major opposition parties did not join the Grand Alliance. The result was a major defeat of the opposition contributing to their weakness in Parliament. An important contributing factor for the weakness of political parties is due to among other things the following:

- Lack of adequate funds and resources;
- Inadequate and weak structures;
- Poverty of political supporters;
• Tribalism and regionalism;

• Lack of ideology.

Political parties are funded by their members and their accounts are mostly not revealed, since they consider it a private affair.

6.4.1 Parties and Voters

The experiment with multi-party democracy in Sierra Leone no doubt widened the base for political participation. Unlike in the past, however, the main tendency of the political parties is perhaps the dominance of tribal or regional considerations over national issues. The majority of national voters usually think tribally or regionally first before ideological considerations. The results of the May 14\textsuperscript{th} 2002 elections manifested that voting behaviour in Sierra Leone has not changed significantly. Both the 1996 and 2002 elections were characterized mainly by the usual tendency of the electorate to be divided into regions. Hence, as in the past, voters’ opinion on issues affecting the state does not influence electoral behaviour. Despite that the electoral system for both the 1996 and 2002 elections being the proportional representation (PR) system, the May 14\textsuperscript{th} 2002 parliamentary and presidential elections depicted a voting pattern in which a majority of the South-Easterners voted for the dominant party of that area – the Sierra Leone Peoples Party, which won all the seats in the South-Eastern part of Sierra Leone. In the May, 14\textsuperscript{th}, 2002 elections, 1,907,445 voted out of an estimated 2.3 million eligible voters registered. This represents over 82\% of eligible voters. It constituted also significant increase of over 1.5 million that registered in 1996, thus a significant enfranchisement of Sierra Leoneans.

The level of voter turn-out was very high during the May 14\textsuperscript{th} 2002 parliamentary and presidential elections, characterized by political party agents playing an essential role to the integrity of the whole electioneering process. There was the presence of representatives from several parties in many polling stations which encouraged transparency and helped to enhance voters’ confidence.\textsuperscript{25}

The May 14 2002 elections were observed by several observers, including three leading international observer groups and the Carter Centre. The others included the Economic Communities of West African States (ECOWAS), African Union (AU), and domestic observers such as the National Election Watch, which was the umbrella organization of all domestic observers. The EU made a huge financial contribution for the conduct of the elections, sending 90 observers to be deployed in all the districts within Sierra Leone.

Usually, party supporters abroad make contributions to the respective parties they support. Also, it is a normal practice for Ministers and other officers to advance the causes of their political parties whenever given the chance, even when on official duty. Despite the loud protest by civil society against the Vice President for being leader of a political party and aspiring for the presidency while still holding his
current position, he is alleged to use his position and state resources in his campaign drive.

6.5 Supreme Audit Institution

The Office of the Auditor-General (OAG) is created under Section 119 (1) of the Constitution. The President, subject to the approval by Parliament appoints the Auditor-General (AG) but no qualifications are laid down for this position. The supporting staff members are civil servants, recruited by the Public Service Commission. Section 119 (b) of the Constitution guarantees the independence of the AG by providing that in the exercise of his or her functions, the AG shall not be subject to the direction or control of any other person or authority. His security of tenure is guaranteed section 119 (10) of the Constitution provides for retirement of the AG at the age of 65. The AG cannot be removed from office except if he or she is incapable to perform the functions of his office, whether arising from infirmity of body or mind or for stated misconduct – Section 137 (4) of the Constitution. With the approval of Parliament, the President can dismiss the AG with the recommendation of the Judicial and Legal Service Commission, which will set up a tribunal that consists of a chairman and two other members.

The duties of the AG are:

- To audit and report to Parliament the public accounts of Sierra Leone and of all public offices, including courts, the accounts of the central and local government administrators of the universities and public institutions of like nature, any statutory corporation, company or other body or organization established by an Act of Parliament or Statutory Instrument or otherwise set up partly or wholly out of public funds.

- To have access to all books, records, returns and other documents relating or relevant to those accounts for the purpose of auditing. All public accounts of Sierra Leone and of all other persons or authorities shall be kept in such form as approved by the AG.

- The AG shall within twelve months of the year, submit his report to Parliament drawing attention to any irregularities in the accounts audited and to any other matter which in the opinion of the AG ought to be brought to the notice of Parliament.

Parliament shall debate the AG’s reports accordingly. Unfortunately, audit reports are always late, sometimes by several years. Some institutions have not been audited for ten years. The reports of the AG usually have no significance because of the delay. Those that might have misused public funds would have died, retired, resigned or been transferred to other departments. The institutional reform process offers a glimmer of hope as many of the state institutions which have been restructured are now expected to institute effective reporting and record keeping systems.
In its latest report 15th September, 2002 on the accounts for the year ended 1996-99, the AG noted these constraints. The OAG faces many constraints because of the lack of adequate resources:

- The activities of the AG have been generally hampered by the rebel war which forced the Department to close down its operations in certain provincial head quarters, towns like Makeni in the North which had the responsibility of auditing all central and local government institutions in the entire Northern Province, the largest province in Sierra Leone.

- Secondly, accommodation and manpower still remain one of the greatest problems of the OAG.

- Thirdly, the fact that the staff of the OAG is very limited. There are two establishments in the Auditor-General’s Office, made up of administrative and professional staff. Currently there are 71 members of staff but with the recent arrangements which have been put in place the staff strength will be 171, mostly university graduates, who, if as anticipated, will give the necessary capacity to carry out effective auditing.

- Fourthly, the OAG lacks functional independence, even against the provisions of the Constitution. Although the AG himself is independent the rest of the staff are not, since they are part of the civil service and therefore they claim that they do not owe their loyalty to the AG. The staff members are employed, promoted, upgraded and disciplined by the Public Service Commission, which also determines their conditions of service.

- Fifthly, the AG can only make recommendations. Lack of proper accounting on the part of other departments, characterized by incompleteness of records, have been causing a lot of deviations from the normal accounting format as required by law.

- Finally, those found guilty of misuse, misapplication or embezzlement of public funds cannot be sanctioned by the OAG. It can only make recommendations to authorities such as Parliament, and the Anti-Corruption Commission (ACC) for the necessary action to be taken. Over the years, audit reports have not contributed to the fight against corruption.

In the report on the Country’s Financial Accountability Assessment (CFAA) – An Assessment of the Central Government, the summary overview of the financial management structure and operation in the Republic of Sierra Leone as it stood at December 31, 2001, among other things highlighted some of the challenges facing the OAG in Sierra Leone. Section 119 of the 91 Constitution provides for the appointment of the Auditor General by President of the Republic subject to the approval of Parliament. Furthermore, the Audit Services Act provides for establishment of a Board to appoint members of the audit service, and to advise the Auditor General in the administration of the audit service. The OAG currently has five members who were appointed in 2000. They are to advise the Auditor–General in
the administration of the audit service. Audits of public and state-owned institutions are undertaken either directly or through private auditors who appointed by the OAG.

Having an effective Auditor General function would be an important asset in Sierra Leone in assuring public accountability, especially in light of the very weak role of Parliament oversight as a result of the 96 Decree. Since the establishment of a new Constitution in 1991, the Republic of Sierra Leone (RSL) promulgated a series of laws and regulations to support the overall financial management and control operations of the country. Yet perhaps the most significant law for its impact on financial accountability arrangements has been the 1996 Decree of the National Provisional Ruling Council (NPRC).

This amendment to the Public Budgeting and Accounting Act of 1992 resulted in a strengthening of the role of the Executive in the execution and monitoring of the budget. It also had the effect of diminishing the oversight roles of both Parliament and the OAG. Decree 96 has impacted accountability arrangements in three ways. These include: permitting the Executive to authorize expenditures, as it deems fit through the supplementary budget provision, permitting the Executive to exceed the limit of that expenditure through the excess expenditure provisions and annulling the requirement that public accounts on excess expenditure be submitted to the OAG. There have been inconsistencies in financial accountability characterized by delay in publishing financial reports, even against the backdrop that certain financial malpractices might have occurred in government departments, e.g. the Auditor-General’s report is always late. This is partly due to the legal framework that governs the relationship between the Accountant General (ACCG) and the Ministry of Finance. For example, section 62 of the 1991 Constitution assigns ultimate responsibility for public financial management to the Ministry of Finance but other components of the legal structure fail to clarify administratively the means by which this is to occur. In principle the ACCG is accountable and responsible to the Minister of Finance.

The ACCG’s authority to carry out certain functions is enshrined in law, and it is unclear in practice how much authority the Minister of Finance has to request the ACCG to deviate from those functions. There is therefore the need to improve on the legal foundation for public accountability, with a revalorization of the role of Parliament and the OAG in the budget and monitoring processes.

The 96 Decree which has been incorporated as a result of the enactment by the Parliament of Sierra Leone of the Constitution Reinstatement (Consequential Provisions) Act, 1996 which was an act to revive suspended provisions of the 1991 Constitution to give effect to such revived provision and to bring existing laws into accord with the 1991 Constitution by adaptation, modification or repeal. Thus this Act incorporated the Decree 96 which is still applicable but there are moves to expunge it from the laws of Sierra Leone. The Decree had the result of shifting ultimate authority from Parliament to the Executive (i.e. the NPRC). The legislative body now has only power over the approval of the annual budget, but essentially no power over supplemental budgets or “excess expenditures”. The 96 Decree also reduces the importance of the OAG and provides the Executive with prerogatives, which are
beyond the scope of the OAG to control. Though the Budget Act and accompanying legislation may have also been incomplete in assuring a suitable accountability framework, the 96 Decree nevertheless weakened whatever did exist.

Thus, despite the statutory role given to the OAG, its actual influence over public accountability is extremely circumscribed over the powers of the Executive as granted by the Decree 96. The latest reports of the OAG on government accounts cover only 1996 to 1998, the reason being that in the past, the Office was just created to fill gaps and create job opportunities. There was no record keeping and reporting mechanism in place, there was a lack of capacity and required expertise and appointments were based on political affiliations rather than merit. Moreover, there appears to be no legal mandate by which the OAG is assured of obtaining the annual public accounts from the Government. Although section 56 of the Budget Act explicitly states that the public accounts are to be submitted to the OAG within three months from the end of the fiscal year, the 96 Decree has essentially negated this. In one section, the 96 Decree purports to extend the time period from three months to six. But in another section, it effectively repeals the requirement for submission altogether. Because the public accounts have not been submitted to the OAG since 1998, there is no assurance that the annual accounts are being closed by the ACCG on a timely basis either.

The OAG’s relatively weak authority to obtain public accounts is compounded by other institutional weaknesses. Reconciliation of banking and fiscal accounting data is a critical step for assessing the accuracy and reliability of public accounts. However, whatever reconciliations that may be performed by the Accountant General’s Department (AGD) are not made available to the OAG. Nor does the OAG have the legal authority to require that banking data be submitted to it by the Central Bank of Sierra Leone. This in itself would call into question the ability of the OAG to issue a statement on the reliability of the public accounts information. Lastly, and equally distressing is the fact that whatever reports the OAG does produce and submit to Parliament are destined to have limited impact due to the very weak role assigned to Parliament under the 96 Decree. However, with the reforms, the OAG is expected to perform better than in previous years.

6.6 The Judiciary

The judicature is established according to Section 120 (1) of the Constitution. It is hierarchical in structure starting from the highest to the lowest as follows:

- The Supreme Court
- The Court of Appeal
- The High Court
- Industrial Relations Court
- The Local Courts
There are five Supreme Court Judges, five High Court Judges and at least twelve local magistrates, one from each district.

The judicature is autonomous and is administered in accordance with the Constitution. The head of the judiciary is the Chief Justice. The Supreme Court, which is the final court appeal in Sierra Leone, comprises five judges appointed by the President and approved by Parliament. To qualify for appointment as a Supreme Court judge one must have practiced law for at least twenty years after admission to the Bar.

High Court judges are appointed by the President on the advice of the Judicial and Legal Service Commission and approved by Parliament. To qualify as a judge one must have practiced law for at least ten years after admission to the Bar. The same applies to the Chairman and Deputy Chairman of the Industrial Relations Court.

6.6.1 Magistrates, Local Court Justices

The jurisdiction of the Magistrates’ Court is found in the Courts’ Act of 1965, while the jurisdiction of the Local Court is found in the Local Court Act 1963. The justices that administer the law in the Magistrates’ Courts can administer customary law that does not conflict with equity, good conscience and natural justice. The justices in Local Courts basically administer customary law. Judges and supporting staff are appointed by the Judicial and Legal Service Commission, an independent body whose Chairman is the Chief Justice established under Section 140 (1) of the Constitution. The Commission is responsible for appointments on promotion and transfer from one office to another, to confirm appointments and to dismiss and exercise disciplinary control over persons holding or acting in such office shall vest in the Judicial and Legal Service Commission. Neither the Courts Act, 1965 nor the 1991 Constitution lays down what qualification one must have to become a magistrate. The practice however, has been that to become a magistrate one must be a practicing lawyer and admitted to the Bar.

6.6.2 Independence of the Judiciary

According to Section 120 (3) of the Constitution judges, magistrates and Local Court justices shall be independent, impartial and subject only to the Constitution and the law, and shall not be subject to the control or direction of any other authority.

Magistrates and Local Court judges can be removed from office by the Judicial and Legal Service Commission. They can be dismissed more easily than the judges of the Superior Courts. Section 137 (1) of the Constitution protects the tenure of Superior Court judges. Retirement age is fixed at sixty-five years. According to Section 137 (3) a judge of the Superior Court of Judicature may continue in office after attaining 65 years, for a period not exceeding three months, to enable him to deliver judgment or do any other thing in relation to proceedings that were previously commenced before him.
This augurs well for judicial independence, since it will prevent a judge nearing his term of retirement attempting to curry favour with the executive arm of Government so that his term will be extended. This does not prevent the recruitment of the retained judge for a specific task in the courts. Section 137 (4) provides that a Superior Court judge may be dismissed only for inability to perform the functions of the office, whether arising from infirmity of the body or mind or for stated misconduct. The dismissal can only be effected after a Tribunal has recommended to the President that he ought to be removed from office and approved by a two-thirds majority in the Parliament of Sierra Leone.

6.6.3 Recruitment and Career Development

In recent years, the judiciary in Sierra Leone has been facing problems bordering around recruitment and career development. The establishment of the Law School in 1989 has helped to produce lawyers. Some of these graduates are recruited by the Law Officers Department, while others prefer to enter private practice. It is estimated that lawyers in Sierra Leone are about 250 in number. A more serious scenario is that of judges. There are not enough judges in Sierra Leone to speed up court cases, which is why on many occasions retired judges are called upon to fill some of the gaps. Promotions of High Court judges to the Supreme Court are made by the President acting on the advice of the Judicial and Legal Service Commission and subject to parliamentary approval.

6.6.4 Judicial Review of Executive and Legislative Actions

Section 127 (1) of the Constitution empowers the Supreme Court to review actions of public officials that violates the Constitution. Public Officials must act in accordance with the law and the Constitution; otherwise their action will be declared null and void by the Courts. Section 125 of the Constitution gives the courts the power to issue writs of habeas corpus, orders of certiorari, mandamus and prohibition.

The High Court is empowered to determine parliamentary election petitions, while Section 40 (1) of the Electoral Laws Act 2002 empowers the Supreme Court to determine the presidential elections.

6.6.5 Constraints Facing the Judiciary

The judiciary in Sierra Leone has been operating under difficult conditions which have led it to go through a severe erosion of integrity and efficiency. Poor remuneration, shortage of qualified staff, deplorable conditions of service, an antiquated legal system and inadequate infrastructure - all these factors have put severe constraints on the ability of the judiciary to deliver justice, and have thus undermined the independence of the judiciary. The judiciary does not have financial autonomy. Other constraints on the Sierra Leone judiciary include the following:
• Delay in dispensing justice. There are still some cases pending before High Courts and Court of Appeal since the 1970s. Section 120(16) requires judgment to be delivered within three months of the conclusion of a case. This has however, not been the case, from the level of the Magistrates’ to that of the Supreme Court.

• The low jurisdiction of magistrates. This is especially noticeable in the civil regime where the amount dealt with in the magistrate courts should not exceed Le 250,000 to fall within its jurisdiction. For example, a landlord who wishes to evict a tenant who pays Le 260,000.00 as rent has to proceed to the High Court as this falls outside the jurisdiction of the Magistrates’ Court. Most landlords cannot cope with the rigors and procedures of the High Court; they therefore resort to unlawful means of eviction.

• Shortage of qualified staff. The judiciary is badly in need of competent and qualified staff to facilitate the work of the judiciary through the provision of high quality training. It is estimated that the total number of lawyers in Sierra Leone does not exceed 250.

• Absence of law reporting. Since 1973, no law reports have been published in Sierra Leone. The importance of law reports in the development of law can not be over-emphasized. DFID is however sponsoring a project that will ensure the publication of law reports in Sierra Leone.

• Outmoded laws and inequities, in the area of customary law. According to section 138 (1), the salaries, allowances, gratuities and pensions of judges of the Superior Court of Judicature are charged upon the consolidated fund. It is Parliament that determines the gratuities and pensions of judges, Section 138 (2). The judiciary is ranked fourth out of nine institutions that were mentioned as the most corruption-infected by the ACC survey 2000.

6.6.6 Appointments of Judges and the Judicial and Legal Service Commission

As stated in section 5.6 above, the president appoints judges, acting on the advice of the Judicial and Legal Service Commission and subject to the approval of Parliament. The provisions for the appointment of judges is recoded in section 135 of the 1991 Constitution of Sierra Leone.

The Judicial and Legal Service Commission also plays a very vital role in the judiciary of Sierra Leone. Section 140 of the 1991 Constitution of Sierra Leone provides for the establishment of this Commission charged with the duty of, among others, advising the Chief Justice in the performance of his administrative functions. The Judicial and Legal Service Commission also has the function of appointing senior officials in the judiciary such as Administrator and Registrar-General, Registrar and Deputy Registrar of the Supreme Court, Registrar and Deputy Registrar of the Court of Appeal, Master Registrar and Deputy Master Registrar of the High Court, etc. Subject to the approval of the President, the Judicial and Legal Service Commission also has the power of making regulations by statutory instrument prescribing the
terms and conditions of service of officers and other employees of the Courts and Judicial and Legal Service Commission.

6.7 Civil Service

The civil service was established in Sierra Leone in 1808, after the declaration of the crown colony. It was first controlled by a colonial secretary’s office, which has now been transformed into an establishment office.

A Public Service Commission, an institution created under the Constitution of Sierra Leone, was established in 1961, immediately after independence. This Commission was charged with the following functions:

- To coordinate staff promotion in the civil service.
- To advise the President on personnel matters.
- To administer discipline within the civil service.
- To regulate activities within the service.

As the largest public employer in the country, the civil service has about 29 departments with over 18,000 civil servants manning the various departments.

The Public Service Commission consists of a chairman, and not less than two and not more than four other members. According to the Constitution chapter 10, section 151.2, members of the Public Service Commission shall be appointed by the President, subject to the approval of Parliament. Members of the Public Service Commission hold office for a period of five years.

According to section 151.6 of the 1991 Constitution, a member of the Public Service Commission may be removed by the President (but not subject to parliamentary approval) for inability to discharge the functions of his office (whether arising from infirmity of mind or body or from any other cause) or for misconduct. Section 51.9 of the Constitution states that no member of the Public Service Commission shall neither be victimized or discriminated against directly or indirectly for having discharged his duties faithfully in accordance with the Constitution; nor dismissed or removed from office or reduced in rank or otherwise punished without just cause. Like judges of the Supreme Courts in Sierra Leone, as long as members of the Public Service Commission act in good faith and within their jurisdiction they will enjoy security of tenure. This precludes therefore, any arbitrary action of the President.

The President is empowered to appoint heads of commissions, including the Judicial and Legal Service Commission and Commissions of Inquiry, when they become necessary. There are provisions which provide that commissions seek the approval of the President and there are also others in which the President will only act in consultation with the Public Service Commission (PSC) (section 154.1).
6.7.1 Recruitment, Promotion and Discipline

The recruitment process of personnel in the public service first of all starts with the Ministries. It will inform the administration who will in turn inform the Public Service Commission to advertise the position through Government printer viz. the Government Gazette. After publication, interested individuals will apply to the PSC and will be short-listed. Those short-listed are then invited into an interview.

In case of the recruitment of a professional, interviews are conducted by a panel consisting of officials of the PSC, the Establishment Secretary’s Office, and the Ministry concerned. Over the years, the Sierra Leone civil service has been undesirably plagued with massive scale politicization, which did not augur well for the principles of impartiality and a non-partisan posture to be maintained by serving members of the civil service. This affected crucial areas of the civil service that deal with appointments, promotion, transfers, discipline and commitment of civil servants in relation to their duties. The politicization of the civil service led to civil servants participating in active politics. This was however permitted by the 1978 one party Constitution, but restricted by section 96 (b) of the 1991 Constitution. Civil servants are also restricted by the Civil Service Code not to participate in partisan politics. Despite this prohibition, however, there is a tendency on their part to manipulate national politics to suit their interests. Permanent Secretaries tend to seriously compromise their political neutrality in order to protect their position. They will hesitate to oppose a policy coming from a Government Minister, even though such a policy is wrong. Because the public servant wants to maintain his or her position, support will be given to bad policies. This is also responsible for the erosion of civil service ethics.

6.7.2 Procedures for the Monitoring of Assets, Including Disclosure Provisions for High Level Officials

In Sierra Leone there is no legislation that requires public officials to disclose their assets. The Anti-Corruption Commission (ACC) is recommending that the Government of Sierra Leone ensures civil service reform through codes of ethics and the declaration of assets on the part of public officials. The ACC investigates all allegations of corruption brought to it by individuals or institutions. A public officer is guilty of the offence of corrupt acquisition of wealth if it is found, after investigation by the Commission, that he is in control or possession of any resources or property or in receipt of the benefit of any advantage which may reasonably be suspected of having acquired or received corruptly or in circumstances which amount to an offence under the ACC Act.31

6.7.3 Conflict of Interest Rules for High Level Officials

There is no code of conduct for public officials. It is however highly recommended by ACC that government individual Ministers, Parliamentarians and public officials should organize a forum, where they could articulate their various interests. This should be with the view to becoming more transparent in their private financial
business. Civil service reform envisages a Code of Ethics that will deal with the issues of conflict of interests, gifts and other advantages. The new Code has not been made public. The fact remains however, that there is an absence of ‘conflict of interest’ rules that will ensure that civil servants do not use their public position to influence the purchase by government Ministries and Departments of goods and services from firms in which they have a financial interest. There is also a lack of a personal assets register.

6.7.4 Gifts and Hospitality for Public Officials

According to the Anti-Corruption Act of 2000, the two main points that must be proved in order that a charge can be brought against an individual for corruption are:

- Performing or abstaining from performing any act in connection with the public duty of public servants, and
- The solicitation or acceptance of any advantage.

Put simply, this means corruption occurs when public office is abused for private gain. Advantage is defined to include, loans, fees rewards, property, commissions employment, gifts or any benefit.

The ACC interpretation of gifts is however wide and covers anything of value. It will therefore immediately be seen that for someone to say that because something was a gift it might not exclude him from the possibility of being prosecuted for corruption. Civil servants are debating whether they should be allowed to own, or have pecuniary interests in private firms or companies. To some extent this debate is driven by their desire to find ways to increase their opportunities and therefore, the argument goes, make them less susceptible to corruption.

6.7.5 Accountability of Civil Servants

Measures that are in place to encourage probity and accountability of civil servants include among others, the law prohibiting public officials accepting any form of advantage or gift in connection with their official duties. According to section 8 (1) of the Anti–Corruption Act 2000 public officials commit an offence when they fail to do, or not do, something which is their duty to do, this also includes using influence. Members of the public can lodge complaints of corruption against public official with their superiors, the Anti–Corruption Commission, the police, the Public Service Commission, the police complaints division and the President. The complaint can also be taken to the courts.

6.7.6 Post Public Service Employment

There are no rules at the moment that govern post public service employment.
6.7.7 Accountability of Public Officials to the Citizens

Chapter 3 of the Constitution of Sierra Leone recognizes and protects fundamental human rights and freedom of the individual. Section 28(1) states that if any person alleges that any of the provisions of sections 16-27 (inclusive) has been, is being or is likely to be contravened in relation to him by any person then, without prejudice to any other action with respect to the same matter which is lawfully available, that person may apply by motion to the Supreme Court for redress.

The Supreme Court is empowered to hear and determine any application made by any person in pursuance of subsection (1); and to determine any question arising in the case of any person, which is referred to in pursuance of subsection (3), and may make such order, issue such write and give such directions as may be considered appropriate for the purpose of enforcing or securing. There have been several cases where citizens and institutions have sued the Government - for example, the case involving the All Peoples Congress Party (Plaintiff) and NASMOS Ministry of Social Welfare Youth and Sport over premises.

An action was taken by the All People’s Congress through a writ of summons dated on the 9th of April 1996 against the National Association for Mobilization Secretariat (NASMOS). The outcome was that the Supreme Court held that the Court give effect to any rights claimed by the All People’s Congress Party under section 133 (1) of the Constitution of Sierra Leone Act No 6 of 1991 until Parliament enacts any restriction upon the Court. According to section 133 (1) where a person has a claim against the Government that claim may be enforced as of right by proceedings taken against the Government for that purpose without the grant of a fiat or the use of the process known as petition of right. Meanwhile as a result of the case of APC versus NASMOS and the Ministry of Social Welfare Youths and Sports, the Parliament of Sierra Leone in 2000 enacted the State Proceeding Act 2000 which is a confirmation of the decision of the Supreme Court in the case - that is, proceedings can now be brought against Government without the grant of a fiat.

6.7.8 Public Sector Management and Civil Service Reform

While a well-trained, well-motivated, efficient and lean civil service with clear goals and objectives is of absolute importance to the progress of the country, unfortunately this has not been the case with the Sierra Leone civil service in recent years. When President Ahamad Tejan Kabbah addressed the opening ceremony of the workshop on Good Governance and Public Service Reform in August 1996, he observed that the system of Government was ineffective, inefficient and in general, encouraged mismanagement and other malpractices at all levels, resulting in the near collapse of almost every arm of Government. In this regard, several studies have been undertaken by the World Bank, UNDP and other funding agencies to address the malaise in the civil service. One such project is the Public Service Management Support Project (PSMS) which focuses on the need to strengthen the capacity of the Government to deal with economic and social development issues. Within the PSMS project the Civil Service Reform Programme was recognized as a critical arm to increase the
productivity capacity of the public sector. Among the measures highlighted as instrumental to raise the efficiency and productive capacity of the civil service and reduce corruption are the following:

- New salary structure.
- New grading structure.
- New incentive system including a revised pension formula.
- New personnel management regulations.
- New recruitment procedure for entry into the service.
- New personnel evaluation system.
- New code of ethics that will ensure the declaration of assets, and rules on conflict of interest.

Since the beginning of the program civil service reform has been characterized by the following activities:

- Establishing and equipping personnel management office and training of staff.
- Formulating training policy and preparing training programs.
- Restructuring the Civil Service Training College.

The UNDP has funded the introduction of new personnel regulations to replace the existing general orders, which are outdated. The draft texts of an administrative manual and the regulations are being reviewed. New elements include a Code of Ethics and a performance appraisal system. Successive Governments have operated parastatals in Sierra Leone since independence but they have not been successful over the years.

### 6.8 The Sierra Leone Police (SLP)

The Sierra Leone Police (SLP) was established in 1890 with currently registered personnel of 9,255. The legal mandate of the SLP is to save life and property, apprehend arrest and prosecute law breakers or offenders as described in the Sierra Leone Constitution of 1991. To help carry out its operations the SLP receives funding from the United Nation and its agencies, DFID, and the Commonwealth.

Public prosecutors are independent and should not be manipulated by the powers that be. But the independence of the Commissioner/Inspector General (IG) of Police on the other hand is somewhat questionable, since the appointment is based on political will. His stay in office depends on the Government in power since he is a government appointee.
According to section 155 of the 1991 Constitution of Sierra Leone, the police force is headed by an Inspector General of Police. At independence in 1961 the police force was Africanized and in 1963 the Sierra Leone police force had its first appointed Commissioner of Police (now changed to Inspector-General of Police (IG). It is a political appointment that is approved by Parliament but whose dismissal is not subject to parliamentary approval.

In 1964 the Sierra Leone Police Act was adopted to consolidate and amend the law relating to the organization, discipline, powers and duties of the police. This Act among other things set up a Police Council to advise the President on all major matters or policy relating to internal security including the role of the police force, police budgeting and finance administration and any other matter that the President shall require. It can also with the approval of the President make regulations for the performance of its functions under the 1991 Constitution or any other law to ensure the effective and efficient administration of the police force. The Minister of Internal Affairs is the chairman of the Council. The Act defines the roles of the Sierra Leone police as primarily the detection of crime and the apprehension of offenders, the preservation of law and order, the protection of property and the enforcement of all laws and regulations with which they are directly charged.

For over three decades the integrity of the Sierra Leone police force was compromised characterized by the appointment in the 70’s of the Commissioner of Police as a Member of Parliament on the one hand and also a member of the only then recognized party, the All People’s Congress. Public confidence deteriorated considerably. Political patronage replaced competitive examination for recruitment into the police force. The politicization of the police force took place during the regime of the APC Government, with the introduction of the one party system of government under the 1978 one party Constitution.

This Constitution made it incumbent on heads of government institutions to become members of the recognized party. The Inspector General (IG) of the Sierra Leone police force was appointed by the APC regime to become a Member of the Parliament of Sierra Leone. The IG under the APC became a client of the one party regime, which influenced the modus operandi of the Sierra Leone police force. This was characterized by the rapid deterioration of standards and public confidence in the police force.

By the end of APC rule in 1992, the whole police force was in disarray. There was a high incidence of indiscipline, corruption, tribalism, sectionalism etc. and the situation was worsened by the civil war of 1991–2002. Corruption and the effect of the eleven years of the rebel war left the Sierra Leone police in an unsatisfactory state.

The need for a well-restructured and equipped force cannot therefore be over emphasized. The international community, particularly the British Government, has contributed tremendously to the present day Sierra Leone police, characterized by an efficient, reliable and well-trained force serving the people. This was done by a total
restructuring of the police led by a British officer who has been serving as the Inspector–General of Sierra Leone police.

The restructuring process improved on police discipline and integrity. Sierra Leoneans are now having a new perspective of the Sierra Leone police, with public confidence in the police on the increase. By 2000 the police force was able to prosecute 80% of the cases in the Magistrate Courts, some with the fiat of the Director of Public Prosecutions.33

There is a special unit in the Sierra Leone police which investigates and prosecutes corruption cases. This unit is known as the Discipline Internal Investigation Department (CDIID). The CDIID is independent and difficult to influence as its verdicts are overseen by the Executive Management Board. Civil Society plays a key role in this as they report cases of corruption to the CDIID. Some SLP personnel have been dismissed, reduced in rank, or at times suspended from office depending on the offences they commit.

There are also plans to further expand the police force so as to ensure that its activities are effective nationwide. This move is also complemented by the effort to further improve the ethical standards of the police through an awareness campaign. The project also includes the creating of awareness in the public about police behaviour vis-à-vis bribery and corruption. Departments to deal with police complaints have been set up both at the headquarters and other branches. Despite the fact that the restructuring process in the Sierra Leone police force is paying dividends, the force however has its problems characterized by low wages and salaries.

**6.8.1 Prosecutors**

The role of the Attorney-General and Minister of Justice is primarily that of the principal legal adviser to the Government. He is responsible for prosecuting all offences in the name of the republic of Sierra Leone. He has audience in all the courts in Sierra Leone except Local Courts. He directs the Director of Public Prosecutions.

Section 66(1) of the Constitution, establishes the public office of the Director of Public Prosecutions (DDP). He is appointed by the President on the advice of the Judicial and Legal Service Commission and subject to the approval of Parliament. The holder of such an office must be qualified for appointment as a justice of the Court of Appeal.

His functions are:

- To institute and undertake criminal proceedings against any person before any court in respect of any offences against the laws of Sierra Leone;
- To take over and continue any such criminal proceedings that may have been instituted by any other person or authority; and
• To discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.

The DPP can delegate his power to other persons acting under and in accordance with his general or special instructions, section 66 (5).

Despite the fact that the Director of Public Prosecution’s Office has a lot of work to be done as assigned by the Constitution, the office has been facing various forms of constraint that have affected its performance. First of all this office lacks the capacity to prosecute all the cases before it to ensure early justice. There are 13 State Counsels at the time of the preparation of this report, 4 consultants paid by DFID to prepare cases or litigate on behalf of Government, but they lack the necessary logistics characterized by poor conditions of service. Other constraints that characterize this office include the following:

• Inappropriate charges against accused due to lack of professionalism on the part of the police prosecutors leading to wrongful civil or criminal charges.

• Lack of correct information and improper preparation of cases by police prosecutors, leading to frequent adjournment and bench warrants.

• Failure of police–prosecutors to report on the progress of cases in the Magistrate Courts.

• Failure on the parts of police prosecutors to report to the Law Officers’ Department on their inability to understand legal jargon.

• Failure on the part of the police prosecutors to seek advice from the Law Officers’ Department.

• Severe shortage of state lawyers to prosecute the numerous offences.

6.9 Procurement Unit of Sierra Leone

The Sierra Leone Tender Board Act 1963 regulates public procurement. It has been responsible since its inception for public procurement before the establishment of the Procurement Unit, which now directly controls all public procurement and approved by the board. The Board comprises a chairman and seven other members which include:

• Financial Secretary– Chairman

• Accountant – General- secretary

• Representative – Ministry of Works

• Representative – Ministry of Health
The National Procurement Unit was established on the 3rd May 2004 under the National Public Procurement Act of 2004 and charged with the principal responsibility to regulate and monitor public procurement in Sierra Leone and to advise the Government on issues relating to public procurement.

The other functions of the unit include the formulation of policies and standards on public procurement and ensuring compliance by all parties. The unit also conducts annual procurement fora, bringing together representatives of the public and private sectors, civil society and development partners to discuss pertinent issues related to public procurement. Capacity building training for procurement officers and public awareness raising programs on public procurement are also carried out by the procurement unit.

Procurement in Sierra Leone constitutes a substantial portion of Government expenditure, which makes procurement a critical function of the Government’s performance. The Government budget is highly dependent (at least for now) on external aid flows. Implementing appropriate procurement reform measures may save the Government of Sierra Leone an estimated amount of US$ 30 to 40 million a year.34

The above indicates that the Central Tender Board has not been characterized by efficiency in its procurement function. In this regard, the Government of Sierra Leone has expressed a strong desire to bring about a reform of the public procurement procedures and policies, and bring them in line with modern day best policies and practices, in order to secure better value, reduce expenditure and lessen corruption. The Sierra Leone Government realized that good procurement practice is an essential aspect of sound fiscal management and a basis for donor confidence. Moves are under way for actual procurement reform, which will include a modernized legal and institutional framework, and aim to build capacity and improve procurement processes.

The President of Sierra Leone requested the UNDP Sierra Leone to provide assistance to achieve procurement reform. An exploratory mission was conducted in April 2002, and the first mission of technical assistance for procurement reform was conducted by UNDP/IAPSO in December 2002, in consultation with the WB and the DIFID procurement specialist who was on a mission to Sierra Leone. As a result of the workshop held in Freetown, December 2002 to improve the procurement situation in Sierra Leone, the Government needs to execute a procurement reform programme which will take time. Proper sequencing, priority setting and tackling bottlenecks early on are a necessity.
6.10 The Ombudsman

The Office of the Ombudsman was established in April 2000. Section 146 of the Constitution makes provision for the establishment of an independent Ombudsman. The Ombudsman is appointed by the President, with the approval of Parliament and charged with the following responsibilities:

- To investigate any administrative act of a prescribed authority for which complaints are made to him by any person who claims to have suffered injustice as a result of mal-administration in connection with such act;

- To take appropriate action to remedy, correct or reverse the act complained through such means as are fair, proper and effective, including the facilitation of negotiation and compromise between or among the parties concerned;

- Reporting or causing the finding of any investigation together with the recommendation thereon to be reported to the principal office of the prescribed authority and, where the offending person is the principal officer, to the Minister;

- Drawing the attention of Government to any defect in any law discovered in the course of any investigation to together with such recommendation for the remedy of any such defect as he may find necessary; and

- Drawing the attention of the Attorney-General and Minister of Justice to any contravention of the Criminal Law of Sierra Leone discovered in the course of any investigation.

The office of the Ombudsman is required to submit to the President annual reports of the activities of his Office and the President shall cause any such report together with an explanatory memorandum, which since the inception of the office has been laid before Parliament 35

The tenure of office for the Ombudsman shall be for four years and shall be eligible for appointment to one more term of four years. He can only be removed from office for inability to perform the functions of his office whether arising from infirmity of body or mind or for stated misconduct.

The fact that the office of the Ombudsman is a recent phenomenon in the Sierra Leone body politic means it has not received total recognition on the part of the people. This however does not mean that the office will not make impact in the country. So far it is trying to network other institutions especially civil society organizations as a way of enhancing openness and accountability. By 2002 the office of the Ombudsman had received over 500 complaints. This was made known in the first annual report of the Ombudsman, since its establishment in the year 2000. According to the report, 430 of the 570 cases presented were investigated and 85 cases upheld as justified, 345 were unjustified, while 30 cases were still under investigation. The bulk of complaints are related to unlawful and unfair dismissals from work, benefits, delays in paying government pensions, land encroachments and delays in court cases and judgments.
6.11 The Anti-Corruption Commission (ACC)

The Anti-Corruption Act of 2000 Section 5 (2) (a) and (b) confers on the Commission the powers to examine the practices and procedures of Government Ministers, Departments, and other public bodies, in order to secure a revision of those practices and procedures, and to advise the heads of such Ministries, Departments, and other public bodies: to instruct, advise and assist any person or authority on ways in which corrupt practices could be reduced or eliminated.

The Anti–Corruption Commission (ACC) is established under section 2 (1) of the Anti–Corruption Act 2000. It is the main body that has been empowered to combat corruption in Sierra Leone. Under section 5 (2) of the Act, the main functions of the Commission are:

- To examine the practices and procedures of Government Ministries, Departments and other public bodies, in order to secure a remission of those practices and procedures which, in the opinion of the Commissioner, may lead to corrupt practices, and to advise the head of such Ministries, Departments and other public bodies thereon;

- To instruct, advice and assist any person or authority on ways in which corrupt practices may be reduced or eliminated;

- To educate the public against the evils of corruption; and

- To enlist and foster public support in combating corruption.

The ACC is headed by a Commissioner and a Deputy Commissioner, who are both appointed for five years, subject to renewal as and when necessary. According to section 53 of the Act, the Commission shall not, in the performance of its functions, be subject to the direction or control of any person or authority, such as the President, or any other institution that would prejudice the activities of the ACC which will be contrary to the ACC Act 2000.

However, though independent, the ACC can only prosecute corrupt offences through the Attorney–General and Minister of Justice, who also is a Government Minister appointed by the President. This therefore limits the operations of the ACC, as public perception is that cases involving government officials are blocked along the way.

The ACC has three main Departments – investigation, prevention and community relations - patterned on the Hong Kong and Botswana models in the fight against corruption. Since its inception, the ACC has so far not succeeded in bringing top Government officials before the courts. The ACC should submit all its cases it has investigated to the Office of the Attorney General (AG) for prosecution. It is the Office of the AG that will ensure that the said cases are successfully prosecuted. There has been a general outcry over the delay in prosecuting the cases sent by the ACC to the AG. Since 2002, there have been about 40, 10 of which (mostly junior level officials for alleged corruption cases) were successfully prosecuted by one of the

The delay in prosecution is perhaps due to the inadequate capacity of the AG Office. With the two judges and the prosecutor who are now being complemented by four consultants recruited by DFID it is hoped that prosecutions will be expedited.

Section 7 –15 of the Anti-Corruption Act defines what constitutes corrupt practices. These include:

- Corrupt acquisition of wealth;
- Soliciting or accepting advantage;
- Using influence for contracts;
- Corrupting public officers etc;
- Misappropriation of public funds or property;
- Misappropriation of donor funds or property;
- Impeding foreign investment;
- Corrupt transactions with agents.

Sections 40-48 of the act stipulate the sanctions for those convicted of offences under the Act which are:

- Upon conviction to imprisonment for a term not exceeding seven years
- The court can also order the person convicted to pay twice the amount or value of the resources or property acquired or the advantage received to the Accountant – General, in addition to the punishment prescribed by subsection (1).
- Upon conviction for soliciting or accepting advantage, using influence for contacts, corrupting public officer, soliciting or accepting advantage for public officer, misappropriation of public funds or property, a guilty person will be fined not less than thirty million Leones or to a term of imprisonment of not less than ten years or to both; and in addition, the court shall order the forfeiture of the advantage corruptly acquired.

6.11.1 Specific Activities of the ACC

Since its creation the ACC as the main anti-corruption agency has been conducting sensitization programmes aimed at corruption prevention and public awareness. The ACC through its Community Relations Department embarked on a massive national announcers’ campaign on the evils of corruption and the benefits of a corrupt-free
Sierra Leone. The electronic media has been the main vehicle for the transmission of anti-corruption messages to the public. The public is however, multi-ethnic, thus the sensitisation process has to be diversified. A multi-media and participatory approach which includes the use of radio and television, print media, sensitisation work shops and meetings, setting up of integrity clubs in schools, publishing a quarterly newsletter, use of community theatre, and organising of essay and music competitions on topics relating to corruption have been put in place. All these activities are carried out nationwide.

The ACC’s activities and impacts have been severely limited, however. The Commission has been adversely affected by inadequate funding, a lack of skilled or trained staff, and most importantly, the lack of political will, all of which contributing to its dismal record. According to a senior official in ACC, “open apathy and in a number of cases outright non-compliance” within government Ministries in an effort to achieve bureaucratic support has gravely hindered the work of the Commission. Despite the existence of various institutions such as the Offices of the Ombudsman and the Auditor General, there is continued failure of the ACC to expose corrupt officials. This seemingly lack of effectiveness has jeopardized the image of the Commission in dealing with high profile cases in a way that satisfies public perception and demands for justice.

The Commission has also been charged with the task of increasing corruption prevention in the management systems within government, with the aim of removing loopholes that breed corruption. The lack of support for this vital Department that is in many ways more critical to the future than investigation however, is indicative of the lack of political commitment to root out corruption from the system.

The Department of Community Relations of the ACC has undertaken a range of activities: the distribution of posters, the erection of bill boards and the printing and distribution of T-shirts are also part of the activities of the ACC. Since its inception the Department of Community Relations have printed over 6000 posters, distributed over 3000 T-shirts and erected 115 billboards all over the country. It has also projected an elaborate programme aimed at intensifying its sensitization of the entire nation on the evils of corruption. This will however, depend on the availability of funds at the material time. DFID has been funding this Department. The ACC has also been conducting weekly discussion programmes on the evils of corruption. These discussion programmes include government Institutions, the private sector, civil society etc. The ACC has put together a coalition partners’ forum. The aim is to achieve the strategic objective of the ACC together as a coalition.

The ACC is also carrying out its mandate, which among others, gives it power to examine practices and procedures of government Ministries, Departments and other public bodies in order to secure a revision of those practices and procedures and to advise the heads of such Ministries, Departments and other public bodies. The Prevention Department of the ACC carried out its first prevention exercises in these Ministries found wanting in the DFID funded Anti-corruption Public Perception
Survey 2000. In that survey, the Ministry of Education, revenue-earning Departments and service delivery Ministries were identified as the most corrupt.

6.11.2 Investigations and Prosecutions

Since its inception in the year 2000 the ACC has been conducting corruption investigation and prosecution with limited success. Apart from the fact that the ACC has been facing challenges, such as limited financial resources, and lack of additional trained staff; the ACC has been under criticism for the failure to discharge its duty effectively. The ACC however, does not have a court of its own with a prosecutor that will speedily handle cases of corruption. This area, which is crucial to the credibility of the ACC, has been taken care of through the intervention of both DFID and the Commonwealth Secretariat, characterized by the recruitment of two judges and one prosecutor specifically to handle corruption cases in Sierra Leone.

6.11.3 Power of investigation

The Act grants extensive powers of investigation to the ACC, such as those proofs, rights and privileges as are vested in the High Court of Justice. The powers of investigation are stated in sections 16–35 of the Act. The Office of the Attorney–General and Minister of Justice/Director of Public Prosecution can therefore enforce the attendance of witness and examine them on oath affirmation or otherwise; and compel the production of documents. The Office of the Attorney–General/DPP or the Investigation Department of the ACC may apply to court for a warrant authorizing the inspection and investigation of any share account, subscription account, investment account, expense account or other account of any description and any company book relating to any person named in the authorization. The ACC and the court have the legal right to request for unimpeded access to any property, movable or immovable statuary declaration, moneys, information etc that are relevant to the investigation. The Commission and court have the powers of search seizure and arrest.

6.11.4 Reporting

The Act requires the Commission to submit to the President, not later than three months after the end of any year a report of its activities. The ACC official annual report usually includes a review and report by the Commissioner himself, a report from the Community Relations Department depicting its activities that it has carried out during the year. For example the number of community sensitization meetings, the creation of integrity clubs in schools, publication of newsletter, radio and TV programmes, educational tours, building coalitions with other institutions, monitoring and supervision of the community relations programme etc. An analysis of corruption and related reports brought before the ACC is also discussed by the Investigation Department where cases that have been sent to the Attorney General’s Office for prosecution are listed. Members of staff of the ACC, accommodation and other constraints, successes and other related matters also form part of the report usually.
sent to the President annually. The President is required to submit the annual report to be tabled before Parliament.

6.11.5 Challenges

Since its inception in the year 2000, the ACC has been perceived differently by various groups in the body politic. This has been against the backdrop that the ACC is only allowed to investigate but not to prosecute, a responsibility that lies with the Attorney–General and Minister of Justice, who is a political appointee. This is also compounded by the fact that the heads of ACC are also appointed by the President, a situation which, perhaps, leaves room for temptation on the part of the head of ACC to support political polices. In general, the most crucial areas of the ACC are the following:

• Absence of a conflict of interest clause in the ACC Act. This is at present the case, and has been affecting the anti-corruption drive of the Anti-Corruption Commission.

• Limited resources to deal with the extra ACC work on the part of the Attorney-General and the Director of Public Prosecution. The Offices of the Attorney-General and the Director of Public Prosecution do not have enough staff to facilitate the cases of the Anti-Corruption Commission.

• The tendency for political interference in ACC investigations - members of the public regard political interference as responsible for the ACC’s failure to prosecute certain individuals for corruption, perhaps the accusation will become a thing of the past with the recruitment of two judges and a prosecutor for the ACC.

• The culture of silence. The fact that the Anti-Corruption Commission has to submit its cases to the Attorney General and Minister of Justice makes the Anti-Corruption Commission not totally free from political influence.

• Difficulties in gathering evidence. There is a tendency on the part of Sierra Leoneans not to report cases of corruption to state institutions. This is usually based on the fear of reprisals.

• Absence of a public/national law for public officers to declare their assets. Collecting evidence is a very difficult exercise, especially where there is the culture of silence, and the lack of the necessary technical knowledge to facilitate the process in time for prosecutions.

• Lack of adequate logistics and trained personnel. The Anti-Corruption is badly in need of qualified staff to run most of the sensitive areas, like investigations, auditing, etc.

The Anti-Corruption Act places emphasis on two main points that must be proved in order that an individual or persons charged with corruption be convicted. These include: performing or abstaining from performing any act in connection with his/her
public duty and the solicitation or acceptance of any advantage. This means that corruption occurs when public office is abused for private gain. Advantage is defined to include loans, fees, rewards, property, commissions, employment, gifts or any other benefit.

There has been the problem as to who is responsible for the delay in prosecuting cases of corruption. According to the Act cases that have been investigated by the ACC should be submitted to the Office of the Attorney–General and Minister of Justice. Concern has been raised by the public as to the amount of cases on corruption that have been submitted to the office of the Attorney-General, which over the years, have increased tremendously.

The Office of the Attorney General and Minister of Justice has argued that in the first instance it does not have adequate staff to undertake the prosecution of these cases speedily and also it is not a matter of course for the Attorney-General to prosecute whatever matter the ACC presents to his office, since the conclusion may differ. The Parliament of Sierra Leone approved the sum of Le 415 million for the ACC in the 2003 budget. Despite the fact that the British Department for International Development is the most important donor contributing to almost half of the Anti-Corruption Commission expenditure annually, the Anti-Corruption Commission still has several projects which have not got the required funding.

The tensions between the ACC and the central government came to a head, culminating in the dismissal of its former Commissioner Val Collier. Val Collier, who was the Commissioner of the ACC until November 2005, was dismissed primarily allegedly for mismanagement of ACC resources during his tenure of office. This coupled with the fact that his appointment was made without the approval of Parliament, urged Parliamentarians to call for his immediate dismissal, resulting in a travel ban and the impounding of his passport. The current Commissioner, Professor Joko-Smart, has had a seemingly improved relationship with the central government, but has attracted criticism from civil society in Sierra Leone regarding his apparent complacency with regard to anti-corruption activities. This was made manifest during the recent visit of the UK Minister for International Development Rt. Hon. Hillary Benn. In a national press briefing in August 2006 at the State House conference room, professor Joko-Smart defended his actions by claiming that he was seeking to ‘clean-up’ the ACC before concentrating his efforts on Sierra Leonean society at large.

**6.12 The Media**

Chapter 3, sections 24, 25 & 26 of the Sierra Leone Constitution guarantee basic freedom of expression of the press, assembly and association. The 1965 Public Order Act also provides for freedom of expression of the press. Over the years, there has been a proliferation of newspapers in Sierra Leone. There are about 40 print media and 32 electronic media registered that are registered with the Independent Media Commission (IMC), which was established in 2000 by an Act of Parliament known as the Independent Media Commission Act 2000. One of the major functions of the IMC is to coordinate the media (both print and electronic). It also serves as a link between
the public and the Government in terms of information dissemination. The IMC also mediates between journalists in the print media on the one hand and those in the electronic on the other hand in relation to publishing information.

In 2000 the Independent Media Act was legislated creating an Independent Media Commission. Its members are appointed by government and the Commission is charged with the principal responsibility of coordinating activities of the mass media (print and electronic) in Sierra Leone. Its responsibilities also include the settling of disputes between and among media institutions. The other functions of the Commission include the following:

- To promote a free and pluralistic media throughout Sierra Leone;
- To ensure the media institution achieves the high level of efficiency in the provision of media services;
- To promote fair competition among media institutions and persons engaged in the provision of media services;
- To protect the interest of the public against exploitation of abuse by media institutions; and
- To promote technological research and the development of adequate human resources for the advancement of the media industry throughout Sierra Leone.

The Commission is mandated to: advise the Minister of Information and Broadcasting on media policy formulation and development, to ensure that the Act is complied with accordingly; grant licenses to electronic media in Sierra Leone and apportion air-time; maintain a register of media institutions, newspapers and magazines published in Sierra Leone; establish clear limits on media ownership, ensure equal access to fair coverage in the broadcast media to all; compile adopt and implement a media code of practice throughout Sierra Leone etc. Compared to the Newspapers (Amendment) Act of 1980, all regulation must be carried out through the Commission and not through the Minister of Information and Broadcasting. Now it is the Commission, which consists of a chairman, and ten other members, appointed by the President acting on the advice of the Sierra Leone Association of Journalists (SLAJ), and subject to the approval of Parliament, that has the decision to grant or refuse of an application.

The IMC receives most of it funds from Government subvention and registration fees from the media houses, licenses fees, and fines. The IMC has also received funding from the British Department for International Development (DFID), Standard Chartered Bank in Sierra Leone and the Sierra Leone Air Ports Authority. In 2005 for instance, the IMC received from the Government’s budgetary support the sum of Le 57,934,587.

The main TV and radio station in Sierra Leone is the Sierra Leone Broadcasting Service, (SLBS). The SLBS radio broadcasts cover the whole country and beyond. It is owned and controlled by the Sierra Leone Government through its Ministry of
Information. There are separate SLBS television stations in Freetown, Bo and one recently installed in Kenema. There are a number of other independent Frequency Modulation (FM) radio stations in Freetown and the three provincial headquarter towns of Bo (south), Makeni (north) and Kenema (east) but they only have limited coverage. There are also community radios located in some chiefdoms, which cover the rural areas and broadcast in local languages. In summary, there are 40 print media and 32 electronic media in Sierra Leone. The SLBS covers the whole nation. The Government also operates a daily newspaper called Sierra News. It is manned by Sierra Leone News Agency (SLENA) which also publishes a daily bulletin for subscribers only. Both the governing and opposition parties operate newspapers (The Unity Newspaper for the SLPP and We Yone (meaning ours) for the opposition APC).

6.12.1 Media Freedom

Section 25(1) of the Constitution guarantees every person freedom of expression and the press, and for the purpose of this section this freedom includes to hold opinions and to receive and impart ideas and information without interference, freedom from interference with correspondence, dissemination of information, ideas and opinions and academic freedom in institutions of learning.

Freedom of expression is limited. The state in order to protect its citizens can enact legislation restricting the exercise of freedom of expression, particularly when it is in the interest of defence, public safety, public order, public morality or public health. Similarly it can do the same for the purpose of protecting the reputations, rights and freedoms of other persons, preventing the disclosures of information received in confidence, maintaining the authority and independence of the courts, or regulating the telephone, telegraphy, telecommunications, ports wireless broadcasting, television, public exhibition or public entertainment; or restrictions on public officers or members of a defence force (section 25 (2) (a) & (b).

To be valid, the restrictions must be shown to be reasonably justifiable in a democratic society. There are however laws that restrict freedom of expression these include: The Public Order Act No. 46 of 1965, under this Act several journalists have been prosecuted for various media offences. It contains three parts section 26 & 27 and B. Part B creates the offence of defamatory and seditious libel. Section 26 creates the offence of “knowingly publishing a false defamatory libel” whilst section 27 creates the offence of defamatory libel.

The Public Emergency Regulations, 1999 are regulations which came into force on April 15, 1999 and were made pursuant to the powers conferred upon the President by section 29 (5) of the Constitution of Sierra Leone, 1991. Regulation 10 stipulates consequences for the “publication of disturbing reports” as follows:

No person shall publish any report or statement, which is likely to cause alarm or despondency or be prejudicial to the public safety and maintenance of public order. Any person who contravenes sub–regulation (1) commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred thousand Leones
or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

6.12.2 Libel Laws

In the case of the state vs. Edison Yongai, who was the editor of the Point Newspaper in Sierra Leone, an issue of the newspaper dated July 12, 1996, the newspaper published a front–page story headlined: “CORRUPT MINISTERS”. It was alleged that five Government Ministers (whose photographs were displayed on the front page of the paper), were corrupt. One of the Ministers referred to in the story was the then Agriculture Minister, Dr. Harry Will. For publishing that story, Edison Yongai was arrested and charged for seditious libel. A week later, on July 19, 1996, the newspaper published two more stories. One of the stories was headlined “GOVERNMENT SPENDS LE 30 BILLION WITHIN 100 DAYS IN OFFICE”. The other was an editorial captioned, “TREAT THE MILITARY WITH SERIOUSNESS”. For this later publication, Edison Yongai, who was already remanded in custody when the second publication came out, was subsequently charged.

The seven–count indictment was preferred in the High Court in substitution for the earlier charges and, pursuant to section 136 of the Criminal Procedure Act of 1965. A voluntary bill of indictment was preferred thus dispensing with preliminary investigation in the Magistrates’ Court, as has become the practice in state prosecutions against journalists in Sierra Leone. Again, Edison Yongai continued to be remanded in custody, and was only released after fulfilling rigorous bail conditions.

Also between 2002 and 2005, Paul Kamara, editor of “For di People” newspaper was imprisoned twice for committing “seditious libel”. Another journalist, Harry Yansaneh, was seriously beaten for the same “crime”. He died two weeks after been beaten up by some masked men.

6.12.3 Censorship of the Media

The primary legislation in this area is section 25 (2) (a) and (b)of the Constitution of Sierra Leone, which among other things, impose restrictions on the freedom of expression and the press if it is reasonably required in the interest of defence, public safety, public order, public morality or public health etc. There is also legislation affecting the mass media in Chapter 111–114 of the Laws of Sierra Leone, 1960. Chapters 111–113 are exclusively devoted to the print media and chapter 114 deals with “undesirable advertisement” and intended to prohibit and restrict certain kinds of undesirable advertisements in the media. Chapter 111 regulates newspapers. Chapter 112 regulates publications and seeks to provide for the presentation of copies of books printed in Sierra Leone, and for the registration of such books and to repeal ordinance No. 13 1886.
The provisions of the Constitution as laid down in sections II and 25 are complemented by Chapter III of the Laws of Sierra Leone, in the area of newspapers; the Independent Media Commission Act 2000 also in its section 24 requires the registration of newspapers and magazines. This registration should be done through application.

To a very large extent, newspapers and FM radio stations publish and air programmes respectively, without much censorship. They do not have to submit articles or programmes before publication. Most of the private media institutions practice a form of self-censorship. This does not prevent them from discussing critically the challenges that characterize the country. In such areas as corruption, security, democratic governance, etc the media in Sierra Leone has been critical of late. Government-owned media also discuss critical issues that border around state security, corruption etc, but are less critical of the government directly. Government has come to realize that some of these issues must actually be critically discussed in order to improve the atmosphere for democratic good governance. During the 2002 parliamentary and presidential elections campaign, the opposition parties had access to the media (even the SLBS/TV - the Government-owned media institution).

6.12.4 Media Licensing

Part Four A of the Independent Media Commission Act, 2000 deals with licensing and registration of media institutions in Sierra Leone, including radio, television and, newspapers. In the area of radio and television broadcasting, section 15–23 deals with among other things, qualifications, mode of application for granting and refusal of license, conditions, non-transferability of license, renewal, suspension and cancellation appeals and standards of performance. The licensing and registration of media institutions is determined by the Commission whose composition includes the Sierra Leone Association of Journalists (SLAJ) and representatives appointed by the Government.

6.12.5 Media Coverage of Corruption

Articles on corruption in the media have mainly been covered by the private media including newspapers and some FM radio stations. These also include statements on corruption by political leaders, the ACC and government officials. Such papers as Standard Times, For Di People, Democrat and Peep Magazine frequently carry stories on corruption. Standard Times has been successful so far in investigating corruption at the Ministry of Education involving the then Permanent Secretary Mr. Soloku Bockarie who was later found guilty by the court of embezzlement of education funds and was charged to serve a seven year sentence. Despite the fact that corruption is rampant in Sierra Leone not every newspaper will carry corruption stories. Among other things, the fact remains that gathering evidence to show that a corrupt act has taken place can be challenging, especially for journalists who do not want to be involved in investigative journalism. There is also the fear of being intimidated by the party concerned.
At the moment Sierra Leone does not have an Access to Information Act. This makes it difficult if not impossible for journalists to access very crucial information to expose corruption and bad governance. For the past decade journalists have been advocating for an Access to Information Act.

6.12.6 Development in the Media

The Media in Sierra Leone is undergoing a positive transformation. This has been complemented by the efforts of international donors particularly DFID. DFID continues to fund media development projects in collaboration with the Ministry of Information, Fourah Bay College, SLBS, SLAJ, SLENA, Thomson Foundation and British Council. The objective is to promote conditions of stability and security for development and poverty reduction through strengthening good government by openness, transparency and accountability. Major inputs among others include: training courses by Thomson Foundation; equipment for 4 stations plus SLBS; and vehicles.

6.13 Civil Society

In previous years, citizens were not fully involved in civil society activities. Instead, they were mainly concerned about the day’s survival. Over the past three years, the situation has changed, with a lot of civic education programs and the decentralization process which puts a premium on inclusion and participation. In general, civil society activities are mainly driven by Civil Society Organisations (CSOs), Non‐Governmental Organisations (NGOs) and Community‐Based Organisations (CBOs). There is also a lot or donor involvement and funding for civil society activities, especially from the World Bank through the Institutional Reform and Capacity Building Project (IRCBP) and the UK Department for International Development (DFID).

The main legislation for the existence of the NGOs, CBOs, religious organisations, social organisations etc, is section 26 (91) of the 1991 Constitution of Sierra Leone which states that unless with someone’s consent, no person shall be prevented from enjoying his or her freedom of assembly and association, by having the right to assemble freely and associate with other people, even to create a political party, trade union or other economic, social or professional association, national or international.

The existence of other bodies is also regulated by cap 249 of the Companies’ Laws of Sierra Leone 1963, which regulates the incorporation of companies while the regulation of wages and industrial relations of 1971, Article 7 deals with the registration of trade unions. The registration of the NGOs is regulated in accordance with the rules for NGOs registration, which is under the devotation and control of the Ministry of Economic Development and Planning. There has been a traditional practice for social, religious and CBOs to register their organisations with the Ministry of Social Welfare Gender and Children’s Affairs.
Civil Society organizations are performing crucial roles in socio-economic and political development of Sierra Leone. There are over 500 civil society organisations operating in various disciplines and in different parts of the country. Of all civil society organisations in Sierra Leone, the National Accountability Group (NAG) is the only organisation that is exclusively working on corruption, accountability and integrity issues.

6.13.1 Problems and Limitations

Civil society in Sierra Leone has not been fully successful in carrying out its function of making Government accountable and transparent in its operations, because of its numerous problems and limitations. Civil society organisations lack the resources crucial to its progressive development (including human and material). There is the need for financial and social mobilization if civil society is to create an enabling environment aimed at its independence. They do not have free access to information, because of the absence of a Freedom of Information Act. This presupposes that Government can only disclose the information it chooses to make public. The disclosure of any information on the part of a public servant to any civil society organisation therefore, must be authorized by Government. On the other hand, the relationship between Government and civil society groups in Sierra Leone has been to a great extent, cordial, except however for certain development and service NGOs, who do not want to operate in accordance with the rules and regulations laid down by the Ministry of Development and Economic Planning.

6.14 Local Government and Decentralisation

The phenomenon of local governance and decentralization in Sierra Leone is not a new development in the country’s political history. It has been in existence since the period of colonial rule and was maintained even after independence was attained in April 1961. Historical accounts have also maintained that Sierra Leone had its own governance structures rooted in the institution of chieftaincy, which constituted an important ingredient of local community governance. Although the system of local governance retained a colonial outlook at independence, it was evident that the district councils established in 1946 were in need of reforms particularly as it became clear that they were not fully representative and were not meeting the increasing need for the delivery of social services. In spite of these shortcomings in the system of local governance, the local structures bestowed by the colonial authorities at the eve of independence were considered to be relatively effective and efficient in performing their traditional roles of providing services, maintenance of law and order and promoting community development.

The decline of the local government structures started after the death of the first Prime Minister, Sir Milton Margai in 1964 and the ascension to power of his younger brother Sir Albert Margai from 1964-1967. The once thriving local government system waned remarkably with the emergence of the practice of tribalism and rampant corruption in the operation of the district councils. As a result of the persistent outcry
against the councils, the Government of Sir Albert Margai took the bold step of suspending the councils temporarily, in the hope of introducing some sanity and order in their operations. However, the intense political rivalry witnessed in the 1967/68 elections further worsened the situation.

The change in the political leadership in 1968, following the victory of the All People’s Congress (APC) did in no way remedy the situation in spite of their affirmed promise to revive the operation of the councils, as was recorded in the party’s campaign manifesto. As financial impropriety and mismanagement continued amidst the attempt to introduce meaningful reform, the APC Government formally and officially abolished the district councils in 1972. The state then introduced a heavily centralized system of administration where powers, duties and responsibilities, once exercised by the local government structures, were taken over by the central government. This practice continued until it became a policy for the central government to govern by deconcentration, which has as its hallmark the establishment of outposts or branches in the interior.

It is widely believed that the establishment of the over-centralized system of government under the inept and corrupt one party state of the All People’s Congress Party with its attendant ills of bad governance, alienation of the rural population, neglect of basic service delivery like health, education, shelter and employment constituted a key factor for the outbreak of the civil crisis in 1991 and the consequent gross abuse of human rights unprecedented in Africa’s history.

Sierra Leone like all other countries emerging from years of conflict has been physically, politically and economically devastated by long years of centralized dictatorship and corruption. Economic and political institutions have been destroyed and the social fabric of society torn apart. Though post war reconstruction has brought together an unusually wide range of actors, the resources provided by them have been flowing through weak institutions, an ineffective and inefficient Government, public service, a divided civil society and other organs. This situation is yet to be addressed, as government institutions still suffer from inadequate capacity and technical skills, resulting in huge setbacks which create innumerable opportunities for corruption.

Sierra Leone’s post war recovery landscape is largely driven by the international community, whose major concern is instituting good governance reforms in all sectors of government. One key area is the revitalization of the local government and decentralization process. In 2003, the United Nations Development Programme successfully undertook a Civic Education and Public Sensitization Project which culminated in the reinstitution of the system of local governance and decentralization through a local government election in May 2004.

The passage of the 2004 Local Government Act, the creation of the 19 local councils and the subsequent holding of local government elections was considered as a right step towards extending governance to the local level and ensuring that citizens can participate and effect meaningful changes in their localities through participation in the decision making processes. The Act which also makes provision for women’s
participation is very important considering the political landscape and culture of the people. Furthermore the Act is the only legal document to date that gives a quota share for women’s representation in ward committees.

The passage of the 2004 Local Government Act envisages three important outcomes:

- The decentralisation of key services (Health, Agriculture, Education, etc) to local councils by 2008.
- The institutionalization of transparency, accountability and participation through the involvement of citizens in the whole decentralisation process.
- An active civil society that inputs into policy formation and monitors the delivery of services.

As this is the first stage in the redistribution of power and resources from central government to the 19 local councils, it is hoped that this could go a long way to address the rampant corruption and patronage that has continued to flourish nationwide. It is also hoped that if successfully carried out with the active involvement of the general public, Sierra Leoneans could enjoy a remarkable level of influence within government, thus allowing them an opportunity to participate, scrutinize and effect meaningful changes in their various communities.

Thus the successful execution of the ongoing decentralisation process is of utmost importance to the people of Sierra Leone and the international community as a whole. Emphasis has been placed on civil society and the public at large to make their voices heard by participating in local council meetings and monitoring their activities and budgets, including information which is required to be made public. At the community level, the Act provides for ward committees, (which are to represent the public at the lowest level through recommendations to the local councils) to address the needs of their constituencies. In addition, Section XV (108) of the Act stipulates that “the Ministry shall promote participatory processes in local councils and encourage citizen’s inclusion and involvement in governance.” Thus provision was made for the participation of citizens in local council and ward committee activities, which if effectively executed could ensure a high level of openness and transparency within government.

6.14.1 The Current Structure

Sierra Leone is a unitary state that has been highly centralized for the past three decades. The country is divided into four regions – Western area, Eastern province, Northern Province and Southern province. The provinces are then divided into districts and the districts into chiefdoms. There are 12 districts with a total of 149 chiefdoms with 19 local councils, and 426 elected councillors in the country. Each ward in the twelve districts is represented by a councillor and the 12 wards in the Western Area are represented by 4 councillors. The 19 councils include: 2 councils in the Western Area; 12 district councils which are located in the administrative districts
of Sierra Leone and 5 councils are located in the three provincial headquarter towns, two each in the south and east, and one in the north. The local councils represent the national Government at local/district level.

The Ministry of Local Government and Community Development is responsible for local government in Sierra Leone. It has three main Divisions:

- Administrative Division
- Local Government Division
- Rural Development Division

The Administrative Division is headed by the senior Permanent Secretary who coordinates the activities of the other two Divisions. The senior Permanent Secretary works under the political direction of the Minister who is responsible to Cabinet.

The Ministry’s activities encompass the whole nation involving the administration of villages, towns, districts, provinces and city councils. Each province has a Resident Minister and Provincial Secretaries respectively, who are responsible to oversee the administrative functions of government Departments in the provinces. The Provincial Secretary is appointed by the Public Servant Commission. Among other things he is responsible for the coronation of Paramount Chiefs. He presides over the Provincial Security Committee. He serves as Chairman of the provincial committee that oversees the affairs of district councils. He is the link between the province and the rest of Government.

The legislation that gives legal status to local government bodies, even that of elections, are found in many principal Acts in different chapters and different volumes of the laws of Sierra Leone. At independence and until 1972 the local councils were elected bodies in practising grassroots democracy and representative governance. In 1972 the elective aspect of the councils was formally suspended by the central government. Since then Sierra Leone as a nation has been operating a highly centralized system of administration. The councils were replaced by management committees appointed by Government and responsible to it. The committees were funded by both Government and revenue collected from the districts concerned. These committees were however characterized by corruption, since they were not accountable to the people. The Local Government Act 2004 now contains major legislation on local government.

The only elective aspect of local government after 1972 was the election of paramount chiefs as the institution was entrenched in the 1991 Constitution of Sierra Leone. The electoral process was characterized by political interference, which led to the enthronement of unpopular figures as paramount chiefs, which made governance in many of the chiefdoms impossible and was a contributing factor to the eleven years of civil war.
The actions to suspend the elective aspect of local government throughout the country and replacement by management committees led to over-centralization of government powers and functions in the capital city of Freetown, and the consequent exclusion of the majority of Sierra Leoneans in the planning, implementation and management of developmental activities which to a greater extent affected the lives of the rural population where a greater percentage of the people live. The decline of local government resulted in a rapid decline of democratic good governance practices, which manifested itself as poverty, corruption and poor service delivery especially in the rural areas. For the past three decades the people of Sierra Leone have been deprived of their franchise to determine who should represent them on the local councils. Management committee members appointed by Government to facilitate the affairs of the council were not only imposed on the people, but also not fully committed to their respective tasks.

6.14.2 Local Government Reform and Decentralization

The Parliament of the Republic of Sierra Leone on the 4th of March 2004 adopted the Local Government Act 2004 which provides for the decentralization and devolution of functions powers and services to local councils.

On the 22nd of May 2004, district council elections were held all over Sierra Leone in 149 chiefdoms. According to Part 5 of the Local Government Act, local councils are the highest political authority in their respective localities. They have legislative and executive powers in accordance with the Act. They shall be responsible for promoting the development of the people of their various localities using the resources at their disposal and with such resources and capacity it can mobilize from government and its agencies, national and international organizations and the private sector.

A local council, according to section 20 (2) of the Local Government Act of 2004, is responsible primarily to mobilize human and material resources for the overall development and welfare of its people. This will also be complemented by promoting and supporting, initiating and maintaining programmes aimed at the development of various localities. The council is to be responsible for the development, improvement and management of human settlements and the environment. It initiates, draws up and executes development plans and also coordinates and harmonizes the execution of programmes and projects undertaken by other institutions. In the area of security, councils should cooperate with relevant agencies. Local councils are to oversee chiefdom councils in the performance of functions delegated to them and also approve their budget and their implementation.

Local tax rates are determined by councils. In the various devolved functions the councils will be complemented by the relevant Government Ministries through the responsibility for policy matters, provision of technical guidance and monitoring the performance of the functions of local government. No Ministry or Department shall prepare any project that affects any local council without consultations.
A local council can also delegate any of its functions to the chiefdom council and can cooperate together in the performance of the functions of its councils. Chiefdom councils will however continue to perform the functions provided for in the Chiefdom Councils Act, the prevention of crime, illegal gambling, making and enforcing bye laws and holding land in trust for the people of the chiefdoms.

Part two of the Local Government Act established local councils. Every local council shall consist of at least 12 members including the following:

- The chairperson;
- Elected councillors from localities elected by universal adult suffrage;
- A number of paramount chiefs in accordance with part two of the first schedule selected by the paramount chiefs in the locality to represent their interests.

One can only become a member of a local council as a councillor through an election by the people. The interested individuals can either contest under a political party or as independent candidates. One is only qualified to contest as a candidate if one is a citizen of Sierra Leone and has attained the age of 21 years, is registered and lives in the ward and has paid up all taxes and rates in that locality as required by law.

One is disqualified for elections to a local council if one is employed by the local council, is insane, has served a sentence for fraud, dishonesty or violence and has not received free pardon, is disqualified for professional misconduct, is a Parliamentarian, member of the armed forces, police, judiciary, Electoral Commission, civil service, a paramount chief, chiefdom speaker, Minister etc. The life of each local council is four years. A councillor’s seat can become vacant due to the death of the councillor, resignation, being unqualified in accordance with the Act, being absent for more than three meetings consecutively without permission, and the failure to observe a conflict of interest clause, even one pertaining to contracts. A councillor may appeal to the High Court of Sierra Leone if aggrieved by a decision of a local council.

The councillor shall be the link between the chiefdom and the council, maintain close links with his/her ward and report all the deliberations of the council and action taken to solve their problems. He/she should promote the unity and communal development activities in his/her own locality. According to the Act, each local council will have a chief administrator as secretary and head of the administration and shall be appointed by the local council after consulting the Commission. The Local Government Service Commission is established by the Act in Part 6 section 35. This Commission consists of eight individuals including the chairman, representatives each from the Local Government Ministry, Public Service Commission, Establishment Secretariat and four other persons with vast knowledge of local government, three of whom shall be women. Like all Commissions its members are appointed by the President with the approval of Parliament.
The Commission shall meet at least once every three months and shall be responsible for providing regulatory performance management and management functions to the decentralized government established under the Local Government Act 2004.

The present Act has important provisions that will enhance democratic good governance. It is geared towards open governance and the participation of the people at the chiefdom level. It is argued however that the partisan psyche that will characterize the district council affairs might act as spoiler particularly at the district and chiefdom levels where cooperation remains crucial if any positive development is to take place. This would also affect the participation of the grass roots and endanger the rationale behind the philosophy of decentralization.
7. Focus on Key Issues

7.1 The NIS in Practice

There is no doubt that Sierra Leone has a significant amount of the basic components for a National Integrity System. In 2000 the Anti Corruption Commission was set up against the background of several Acts of Parliament, aimed at improving the Integrity System in Sierra Leone. Given the resource, the ACC has the potential to carry out its mandate. The judiciary with the intervention of DFID is gradually transforming itself to upholding the justice system. The new Civil Service code which has not yet been made public, will go a long way to improving the performance of the civil service which has not been performing well. At least there will be a code that was long overdue which will surely affect the operations of the service. There is a proliferation of civil society groups, despite the lack of adequate resources; it however continues to impact society, by gradually becoming a watchdog against government corruption. The National Accountability Group is gradually taking off; as a civil society anti-corruption organization, it is creating awareness to the challenges against corruption as a preventive measure for lasting peace in nation-building, aimed at sensitizing the Sierra Leone Public on the dangers of corruption.

The police is also gradually drawing away from its corrupt past, and moving gradually towards imbibing the culture of transparency and accountability. It has come to realise that political influence will lead to the erosion of the integrity it is trying to build, and which it must have if it is to become impartial in the dispensation of justice, through the due process of law.

The state media must also try to play such a role, that of giving access to dissent. Local government will gain its integrity when it is decentralized, thus putting an end to over three decades of bungling ineptitude. The National Electoral Commission proved its integrity by organizing the May, 14 2002 parliamentary and presidential elections, widely acclaimed as free and fair, which has been a contributing factor to relative political stability.
8. Key Areas Requiring Immediate Intervention

8.1 Institutional Reform

The history of all the institutions that were created to combat the corruption menace in Sierra Leone depicts a picture of the need for increased resources. Since the inception of the ACC in 2000, it has been suffering from a lack of capacity. The ACC’s Community Relations and Prevention Departments are in need of additional trained staff if both Departments are to build up the partnerships and coalitions necessary to impact corruption at all levels. The fact that the ACC is far from becoming nationwide is a testimony that it lacks the necessary funding for it to have a greater impact. The ACC also lacks improved skills in auditing, accounting and computing. The funding from both Government and donors, particularly DFID, is not enough to meet the financial requirements of the ACC which is poised to expand its activities nationwide. The situation of the local non-governmental organisations is even more precarious, they have limited access to funding, and thus they lack that capacity that will make them effective or even continue to exist.

Despite the capacity building efforts on the part of donors such as, DFID, UNDP etc, in the Accountant General’s Office, the civil service, the Office of the Ombudsman, the police, the NCDHR, the judiciary, Parliament etc, there is still much to be done to ensure sustainability.

For corruption-proofing the Government also needs to address for all public institutions:

- Lack of codes of ethics and the requirement for all in public life to declare their assets.

- Lack of a conflict of interest clause to ensure that civil servants do not use their public position to influence the purchase by Government Ministries and Departments of goods and services from firms in which they have financial interest.

- The ready acceptance of corruption as a way of life to the extent that corrupt persons are admired while less corrupt people are scorned.

- Ensuring genuine autonomy to the ACC, devoid of any form of political influence.

- Poor remuneration and conditions of service in the public service which is usually a contributing factor for corrupt practices on the part of public servants, to augment their low salaries.

- In the interest of openness and transparency, all donations to political parties should be made public.
• The acceptance of bribes, gifts and other dishonest inducements are sometimes seen as necessary for survival in a country where salaries are low.

• Strengthening linkages between ACC and other institutions in Sierra Leone to implement the Anti-Corruption Strategy.

8.2 Political Will

The Anti–Corruption Survey 2000 came out with the view that corruption is a very serious problem in Sierra Leone. For decades, corruption pervaded every facet of society and even became a way of life or even a norm to the extent that corrupt persons are admired while less corrupt people are scorned. There has been dissatisfaction expressed by focus groups at the Anti–Corruption 2000 survey with the efforts of Government to tackle the problem of corruption. However, there were still a few who believed that Government was making some effort and therefore should be commended. Government is said not to be doing much in the fight against corruption, because of lack of institutional safeguards, political will to take punitive measures, pervasiveness of corruption, which is sanctioned by society, and lack of cooperation from the public.

Perhaps, a demonstration of political will has been manifested by Government through the adoption of a new Civil Service Code, the first comprehensive updating in several decades. The new Code includes several innovative measures designed to improve performance and reward merit. The Civil Service College has also being reactivated.

The new civil service structure will not only take into account the need for managerial competence and professional performance, but also ensure transparency and confidence that careers will not be jeopardized by unwarranted political interference, which will become part of an important aspect of the restructured Civil Service Code. In the area of public expenditure management, Government has attached a high degree of importance to probity, transparency, accountability and efficiency in the management of public resources. Government is now reviewing its expenditure profile, to minimize leakage of public funds. Community Budget Oversight Committees have been established in all the 12 Districts, a Procurement Unit has been instituted under the Procurement Act to monitor the whole process and to blow the whistle when necessary. A second Public Expenditure Tracking Survey (PETS) was conducted in August 2000, to ensure accountability in the use of public funds. This was carried out with the collaboration of World Bank and DFID under a limited Country Financial Accountability Assessment (CFAA). This will also strengthen the Office of the Auditor General. DFID and the Commonwealth Secretariat facilitated the recruitment of two judges and one prosecutor for assignment to Sierra Leone to specifically handle corruption cases. This will help to not only increase autonomy, but also speed up trials on corruption and, perhaps, reduce ACC dependence on other judges who are overburdened with cases. These and more are perhaps a pointer to the Government’s commitment to fight against corruption and thus a manifestation of political will.
8.3 Country Resources

The Extractive Industry Transparency Initiative (EITI) was introduced to enhance transparency and accountability in the extractive industries. The effective implementation of the EITI would require the Government of Sierra Leone to hire an independent auditor through a competitive and transparent bidding process to carry out a financial and operational audit, as well as the sustained financial backing of Government and the international community. These efforts must be then supplemented by the enacting of effective legislation requiring the public disclosure of extractive companies’ payments to the Government as well as the revenue that Government receives. For the program to be effective, a civil society coalition focused on the EITI would be instrumental in helping design and monitor the program, as well as verifying the published returns and holding Government accountable for the use of the revenue generated. The support and vigilance of the international community, particularly the World Bank, would also be critical to ensure the effectiveness and transparency of such an endeavour.

The realization of a successful implementation of EITI policies in Sierra Leone would be dramatic. If companies and Government were effectively forced to behave in a more transparent manner and loopholes allowing the diversion of funds were plugged, a major facet of corruption in the extractive industries would be addressed, allowing greater revenue to be derived for Government and public services. Such progress would also improve the business environment by attracting foreign direct investment, particularly from more responsible and reputable companies who would have otherwise been reluctant to invest in and support an industry renowned for its widespread corruption.

The question remains then how to get Sierra Leone onboard this initiative. Nigeria and Ghana have signed on to the pilot program, and have already met with success in monitoring and increasing revenue from their extractive industries. Despite the June 2003 declaration at the EITI Conference in London by Sierra Leone’s Minister of Mineral Resources Hon. Alhaji Mohamed Swarray Deen, that his Government “stands ready to pilot the approach and…request[s] assistance from our partners to establish an efficient monitoring procedure,” the country is yet to take a significant step forward by signing on to the initiative.

Therefore it is apparent that civil society – media, unions, and the NGO sector – must embrace the principles of the Publish What You Pay (PWYP) campaign and take the lead by pressing the Government to be more proactive in the adoption of this initiative. Indeed, the success of the entire program is very much dependent on the sustained activism on the part of civil society to ensure that, once implemented, all parties are complying with the laws.

The widespread and uncontrolled smuggling of diamonds has since their discovery been an unfortunate feature of and often the impetus for international involvement in Sierra Leone. The problem persists unabated even today among businessmen and politicians, and on a smaller scale among tourists and even the monitoring personnel,
relief and development partners who are ostensibly here to help the country. The perpetrators of these acts are in effect depriving the world’s least developed country of much-needed revenue through the theft of its single most precious asset, with little chance of recourse by the authorities.

Yet perhaps the most alarming aspect of this issue is the lack of effective mechanisms to check the illicit trade. Customs and government monitors of mining activities have been hamstrung by the national Government, which has left them woefully shorthanded, and lacking sufficient capacity and resources to carry out their duties. In addition, the low pay associated with these positions is another contributing factor to the widespread corruption among mining officials. This unfortunate situation further reflects a general lack of will to enforce and regulate mineral legislation, which is of the utmost importance in a country where the diamond industry constitutes the largest generator of locally derived revenue and foreign exchange. While it must be recognized that the challenges of preventing smuggling are significant considering the small size of the valuable stones, a cohesive action plan with an emphasis on prevention and effective monitoring is necessary to increase revenues from this potentially lucrative trade so as to bring some tangible benefit to the people of Sierra Leone from the wealth of resources that the country has to offer.

8.4 Education

The education sector in Sierra Leone is in shambles, particularly in areas outside the capital city, Freetown, having suffered decades of neglect from the overly centralised government. The corruption that was institutionalised under successive regimes has led to the diversion of resources in all areas of service provision, and education, being the highest employer of civil servants in the country, is among the hardest hit. The decade-long civil war (1991-2002), itself largely a result of this institutionalised corruption and consequent marginalisation, proved disastrous for education, as displacement and constant threats of violence disallowed the possibility of continued education for thousands of pupils. The war was also characterised by the wanton destruction of essential infrastructure, including school buildings, and atrocities involving mass rape and the cutting off of hands.

Indeed, the education sector today is beset by problems: teacher salaries are abysmally low and are often not paid until months after they are due and only then after civil servants have extorted a percentage. Thus there is little incentive for educated persons to become teachers, leaving substandard teachers to teach large classes with the result that most pupils leave school barely literate.

The recent passage of the Local Government Act (2004) heralds new prospects for governance in Sierra Leone, as the 19 local councils have now begun to undertake certain key aspects of service delivery including health and education. The provision for greater accountability and transparency in local council activities is expected to yield greater benefit for schools, though this is largely dependent on the vigilance of civil society.
The ongoing decentralisation process will soon put on local councils the responsibility of supplying education/learning materials to schools in their respective local councils. NAG intends to monitor this process very closely in seeing that transparency and accountability are maintained.

In 2002, the Ministry of Finance conducted the Public Expenditure tracking Survey (PETS) on the education sector, which revealed startling figures on the extent of corruption in the education sector. In that year, the PETS Task Team concluded that 45.1 percent of funds disbursed for school fees subsidies were unaccounted for, and that nearly 28 percent of teaching and learning materials were also unaccounted for. Following the release of these results, the Ministry took action to achieve a higher success rate.

In July 2005, NAG also conducted the PETS in one district (MOYAMBA) in the southern province of Sierra Leone. The findings of the study reflected a general improvement in service provision from the 2002 financial year. As a result of the previous Ministry of Finance PETS study (2002), an independent auditor was hired to deliver school fees subsidies to all government-assisted schools. While this has led to an increase in the funds received by schools, there is a drawback: the auditor, KPMG, extracts a 10 percent commission plus the amount of Le 20,000 on the delivery of the subsidies to each school, reducing the amount to cover each student. Thus the schools receive roughly 88 percent of the total distributed by the Ministry of Finance. Discussions with head teachers indicate the continued inadequacy of the amounts of school fees allotted to schools, forcing pupils, for example, to purchase their own desks and chairs at great expense. Discussions with community members also show that they are often required to pay “extra fees.” On average, school fees subsidies cover an average of less than Le 2000 (roughly 70 US cents) per student per term, making the Government’s claim of “free education for all” a farce.

8.5 Internal Security

The SLP is the principal institution that is responsible for maintaining internal security in the country. For the past 30 years the integrity of the Sierra Leone police force was compromised, characterized by political patronage. This resulted in the erosion of public confidence in the police force. With DFID funding however, the police force is gradually becoming a force for good. There has been improvement in the professional competence of the police, characterized by an extensive infrastructure development and heightened motivation at all levels of the police force.

The rehabilitation process has almost been accomplished; logistics like transport and communications assets have also been improved considerably. The police can now respond to any threat to the peace anywhere in the country. These transformations were made possible under the leadership of Mr. Keith Biddle, OBE. This transformation must be sustained. The Sierra Leone Inspector–General of Police should ensure that the police force is well–trained efficient and reliable. Conditions of service must be improved, and the structure put in place in the police administration to reduce the opportunity of corruption must be strengthened. The police should have the
opportunity to pursue professional courses abroad, have respect for the rule of law and human rights, refrain from political influence, and administer justice impartially etc.

8.6 New Vision for Sierra Leone

The election in 1996, which led to the democratically elected Government of President Ahmed Tejan Kabbah, has brought the hope to Sierra Leoneans that it is only a question of time; good governance will be restored in the country. Despite the 11 years of civil war, the Tejan Kabbah Administration has adopted legislation and created institutions that will ensure good governance. In 2000 the Government created the ACC with a mandate to tackle and confront all aspects of corruption whether on a large or small scale. A policy of “zero tolerance” has been adopted when it comes to the challenges posed by corruption in any of its forms. Two judges and a prosecutor have been assigned to Sierra Leone to specifically handle corruption cases. This will allay fears on the part of certain people that the Government can not provide the necessary political will to ensure the effectiveness of the ACC. This move will also ensure swift justice.

Despite the fact that the SLPP Government has 83 seats (the opposition has 29 seats- APC 27 seats and PLP 2 seats respectively) the new Parliament has so far not adopted unpopular legislation. In fact, President Kabbah has called for “a new coalition for national development”, both government and opposition parties seem to be cooperating for national development.

The MPs however, need to be capacitated, since most of them are new to the work of Parliament. The effective functioning of the 33 Parliamentary Committees will depend on the knowledge and skills of the Members of Parliament. The Ministry of Parliamentary and Political Affairs should design programmes aimed at the development of the human resource capacities of Parliamentarians, which will help them discharge their functions. This also includes the general staff of Parliament that need trained and qualified staff that can complement the efforts of Parliamentarians, including in the field of research. According to the 1991 Constitution, Section 105, Parliament is the supreme legislative authority in Sierra Leone.

The establishment of the Office of the Ombudsman will also contribute to mitigating the abuse of power by public officials. The fact remains however, that the Office should be capacitated if it is to become effective nationwide. Its present staff of 9 should be increased to enable its presence to be felt at least in all the district headquarter towns. Both the Office of the President and Parliament should ensure that a timely response is given to the reports of Ombudsman. The Office should also be given enforcement and disciplinary powers. The Office also needs more publicity since it is a recent phenomenon in Sierra Leone. It should have attractive conditions of service that will enable it to have qualified staff that will contribute meaningfully to the effectiveness of the Office of the Ombudsman.
9 Priorities and Recommendations

Despite the fact that the country has just come to the end of the eleven-year destructive civil war, which was precipitated by unbridled corruption in both Government and private institutions, corruption is still highly prevalent in our post-war recovery phase. This is a very serious problem, which requires serious attention. It is therefore recommended that priority must be given to prevention, which should involve:

- Intensification of public education on the evils of corruption and for the public to have zero-tolerance for corrupt leaders, individuals, public officials and businesses.

- Development of codes of ethics and the requirement for all in public life to declare their assets. That the codes should also contain a conflict of interest clause that will ensure that civil servants do not use their public position to influence the purchase by Government Ministers and Departments of goods and services from firms in which they have financial interests, is highly recommended. Public officers should maintain a gift register where they can record instances and the circumstances under which they were offered any advantage. The codes should also contain appropriate disciplinary measures for any violation of standards on the part of public officers.

- Building and/or enhancing the capacity of public officials, through education and training programmes, aimed at making them meet the requirements of correct, honourable and proper performance of public functions.

- Institutions created to curb corruption such as the ACC, DPP, police, Ombudsman and the Auditor General should be assisted in order to enhance their capacity, through specialized training of their staff and support for their programmes.

- Constitutional and legislative reforms should be supported by donors and Government, and the political will to implement such reforms that are designed among other things by the Law Reform Commission.

- Ensuring the autonomy of anti-corruption institutions, characterized by strengthening their operational and organisational independence.

- Repeal of media and libel laws that limit media freedom, and the enactment of a Freedom of Information Act.

- Ensuring openness and accountability on the part of political parties by regulating their funding, introducing systems and procedures that aid transparency and provide an audit trail.

- Enactment of code of ethics governing public sector procurement in Sierra Leone to provide:
o Equal and fair treatment to compete for contracts and equal treatment of bidders throughout the procurement process afforded to all.

o Specially appointed watchdogs to review the decisions of the procurement agency, the staff of such an organization should be made clearly aware that they are accountable for all their official actions.

o Well defined regulations.

o Procurement should be done at the right time, for the right amount and the right quantity.

o Regular monitoring of companies, individuals and procurement officers to ensure that they are not involved in corruption, otherwise if found corrupt, they will be blacklisted or sacked as the case may be.

o Protection of whistle blowers.

• Involvement of law enforcement agencies and civil society in ensuring that due regard is given to the reports of the Auditor General and the Ombudsman.

• Ensuring a transparent and fair mechanism to fix remuneration and guarantee stability of tenure for the entire judicial system.
10. Endnotes

1 Alice Jay and Alie hafiz Koroma (World Bank Consultants)


3 Anti-Corruption Commission Papers 2003

4 ACC report 2003

5 Anatole Ayissi et al. Bound to cooperate: conflict, peace and people in Sierra Leone, UNIDIR, Geneva, 2000, p29


7 When the Sierra Leone People’s Party (SLPP) took over power after the 1996 parliamentary and presidential elections, the National Commission for Unity and Reconciliation Act 1996 was adopted by Parliament aimed at taking a critical look at the petitions from those affected by the decision of the Commissions of Enquiry. The petitions claimed compensation for illegal imprisonment, loss of property and internal distress. The stated objectives for which the Commission was established were to create an environment for the development of National Unity, Peace and Reconciliation in Sierra Leone and inter alia “to investigate and report on cases of individual injustices brought to its attention ……” Some succeeded in being restored to their original status before the recommendations of the Commissions, by the SLPP in order to bring about Peace and Reconciliation.

8 Presidential Address: On the occasion of the State Opening of the First Session of the Second Parliament of the Second Republic of Sierra Leone. Government Printing Department, Freetown, Sierra Leone, July 2002 p8

9 Sierra Leone - Relief – to - Rehabilitation – to - Development Transition: A Continuum or A Vicious Cycle of Complex Scenarios. World Vision, Sierra Leone, November 1998, p9


12 ACC Papers 2003

13 ACC Report 2003

14 Interview with Contractor

15 ACC Report 2002

16 Corruption Household Survey conducted by NAG 2005

17 Corruption Household Survey Report by NAG 2005
18 National Anti-Corruption Strategy, Feb. 2005

19 PETS Report 2004


25 *The Eye*, Vol.2 April, 2002 p8


28 Final draft produced by the Government of Sierra Leone 2002


31 Anti-Corruption Act 2000

32 *The Eye* Anti-Corruption Commission, Newsletter, Vol. 2, April 2002 p7


34 Support to Public Procurement Reform of the Government of Sierra Leone, Johan van de Gronden and Frensdorf, UNDP / IAPSO, Freetown, December 2002, p3

35 *Peep Magazine*, Two cases a day for Ombudsman! Freetown, May 9 2003, p2
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Decree 96 (Amendment to) Public Budgeting and Accounting Act, 1992
National Commission for Unity and Reconciliation Act, 1996
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Political Parties Act, 2002, Sierra Leone Gazette No. 8, 21st February, 2002
Independent Media Act, 2002
Human Rights Commission of Sierra Leone Act, 2004
Local Government Act, 2004
National Public Procurement Act, 2004
### 13. List of Interviewees

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