

# POST-CONFLICT ELECTIONS, PEACEBUILDING AND DEMOCRACY CONSOLIDATION IN SIERRA LEONE

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## ABSTRACT

*The viability of long-term peace and prospects for the consolidation of democracy in Sierra Leone is dependent on a number of internal and external factors. After two successful elections since the end of conflict in 2002, it is fair to suggest that the country is on the path of consolidating 'democratic gains'. A third successful multiparty election, in 2007, would go a long way to affirming the notion that Sierra Leoneans are becoming comfortable with the idea of electing their representatives through competitive elections.*

## INTRODUCTION

On 22 May 2004 Sierra Leoneans went to the polls to elect local government officials. Although at the time of writing the full results had not been announced by the National Electoral Commission (NEC), early indications suggest a mixed outcome. On the one hand, projections indicate that the ruling Sierra Leone Peoples Party (SLPP) may end up securing control over a majority of the new local government councils; on the other it appears that the main opposition All Peoples Congress (APC) may have performed unexpectedly well in some key areas, foreshadowing what could turn out to be a fierce contest between the two long time rivals in 2007, when parliamentary and presidential elections will be held.

The local government elections are quite significant in that Sierra Leone has taken the first step in more than three decades toward decentralising power; a process designed to give local authorities a direct stake in governance. The elections are also significant because they come two years after post-war multiparty elections were successfully conducted in 2002. After more than a decade of brutal armed

conflict, Sierra Leoneans went to the polls in May 2002 to elect a president and a Parliament. Those elections marked the official end of the eleven-year conflict. Between 2002 and 2004 the SLPP-led government signalled its intention of decentralising power by embarking on an approach of 'taking the government to the people'. During this period, a number of Cabinet meetings were held in key provincial towns and communities, enabling ordinary citizens to meet and interact with their leaders, who have historically paid very little attention to the concerns of the people.

It is, however, important, as one celebrates the move toward decentralisation, to interrogate the true impact of this democratic gain on the quest for sustainable peace. While one might be tempted to assert that the Sierra Leone experience of conflict resolution is instructive for other societies making the transition from war to peace, particularly in the West African sub-region, such optimism must be tempered by certain fundamental realities that could potentially undermine the success achieved thus far. The fragile nature of the peace building process in Sierra Leone itself, coupled with shaky civil-military relations and events in the wider sub-region, could all be potential powder kegs waiting to explode, and consequently undermine the country's democratic experiment. This paper therefore seeks to put recent events within a much broader context, to promote a better understanding of the situation in Sierra Leone and the greater Mano River Union (MRU) sub-region of West Africa.

After giving a brief political history of Sierra Leone, the paper traces the evolution and struggle for democratic governance between 1991 and 1999 and analyses the 2002 post-war elections. A preliminary assessment of the potential impact of the prospective local authorities on governance is then offered. The paper concludes with some reflections on the broader issues of peace building and consolidation of democracy in Sierra Leone and, indeed, in the MRU. Special attention is paid to structural issues such as corruption and civil service reform, as well as to the prospects of an alternative political movement that could in future challenge the two dominant political parties, and the role of civil society.

### A BRIEF POLITICAL AND ELECTORAL HISTORY OF SIERRA LEONE

The history of elections in Sierra Leone can best be described as one that has at times produced controversies, and at other times engendered hope for the future. In the run-up to independence in 1961, the country's political elites had an opportunity to serve in colonial governing institutions such as the Legislative Council and the Protectorate Assembly. Indigenous Sierra Leoneans were offered the opportunity to serve in these bodies either through appointments by the colonial authorities or, in some cases, through direct elections. This move was clearly a reflection of the colonialists' gradual acknowledgment that independence for former colonies was waiting to happen. For instance, in the former British colonies, as the decolonisation struggle began taking shape in the late 1940s and early 1950s colonial

administrations across the continent began laying the foundation for the eventual transfer of power to Africans. This was accomplished through the amendment and in some cases repeal of ordinances and policies that had been in place since 1885, when the Berlin conference 'legitimised' the 'scramble' for and 'partition' of Africa.

In 1947, the colonial governor of Sierra Leone, Sir Hubert Stevenson, embarked on the first major step towards ending the longstanding feud between representatives of the protectorate and those from the colony.<sup>1</sup> Stevenson proposed constitutional changes that would ultimately guarantee a majority for protectorate representatives in the Legislative Council. Creole representatives in the Legislative Council were opposed to the amalgamation plans for fear that the balance of power in the run up to independence would shift to their counterparts from the protectorate, since the latter were demographically far more dominant than the Creoles. Ironically, there was also a rift between the protectorate's educated elites and traditional rulers who had been dominant in the Protectorate Assembly prior to 1947. The educated elites from the protectorate, like the Creoles from the Colony, feared being marginalised by traditional chiefs, who, though uneducated, maintained tremendous influence in their respective communities (Cartwright 1970, pp 43-54).

Given the acrimony in these two cases it took a few more years of back and forth negotiations and political mudslinging before the matter was finally resolved, with the adoption of the 1951 Constitution. Under that Constitution, Sierra Leoneans gained more representation in the Legislative Council and, for the first time, four 'unofficial' members were given the opportunity to serve in the Executive Council (Cartwright, pp 55-63). Sir Milton Margai, who had spearhead the formation of the first national political party, the SLPP, was designated Leader of Government Business in the Legislative Council. By 1954 he had been appointed Chief Minister, a position he used skilfully to bring his political enemies closer to form a 'United Front' in preparation for independence. By the time independence was attained in 1961, the SLPP and Sir Milton Margai had established themselves as the governing party and leader of the nation respectively. That the party inherited power from the colonial authorities and Margai emerged as the first Prime Minister of post-independent Sierra Leone derives in large part from the political manoeuvrings that started with the constitutional review process set in motion by Stevenson in 1947.

Margai's reign as Prime Minister was short-lived; he died of natural causes in 1964. His younger brother, Sir Albert Margai, an astute lawyer and a somewhat

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1 Until 1896 when the British colonial authorities declared a protectorate over the hinterland of Sierra Leone, the capital city area known as the colony was administered as a separate entity from the provincial areas. Following the 1896 declaration of British authority over the protectorate both areas became part of one territory administered by a colonial governor. There were tensions and rivalries between inhabitants of the colony, the Creoles, who were mostly descendants of freed slaves from Europe and the Americas, and indigenous Africans who inhabited the hinterland.

radical personality, took over the leadership of the party and was sworn in as the country's second Prime Minister later that year. Because of his combative approach and flamboyant attitude to power, some commentators have suggested that the foundation for Sierra Leone's political woes was laid during his brief tenure.<sup>2</sup> It has, for instance, been contended that corruption as a practice in government was first introduced into public life during Sir Albert's tenure (Cartwright 1978, pp 100-111). He has also been accused of sowing the seeds of ethnicity as a destructive force in the country's political life. Given all these negatives, it is perhaps not surprising that the ruling SLPP narrowly lost the 1967 elections to the opposition APC, which had broke ranks with its former ally shortly after independence.<sup>3</sup>

The events of 1967 indeed helped shape the political landscape of Sierra Leone, apparently in the wrong direction. Following the announcement of the result of the election, which the APC is believed to have won, the military, led by Brigadier David Lansana, a close ally of Sir Albert, intervened to stop the swearing in to power of the designated APC leader, Siaka Stevens. Lansana's coup was, however, short lived, as he himself was subsequently overthrown by junior officers in the military. Stevens, the APC leader, who had fled to exile, returned to Sierra Leone a year later to take power from the military junta which had agreed to return to the barracks.

Between 1968 and 1985, during Siaka Stevens's rule, events took a completely negative turn. Stevens's rise to power foreshadowed a tragic future for the country. Instead of pursuing reconciliatory politics, as Sir Milton had done prior to independence, he opted for an 'all or nothing' approach designed to exclude and marginalise the official opposition. The institutionalisation of political violence and the legitimisation of corruption became the order of the day under Stevens.<sup>4</sup> By 1971 he had transformed the country into a republic, with wide powers reserved under the Constitution for the Executive President. By 1973, the official opposition, the SLPP, had all but disappeared into oblivion, when the leader of the party, Salia Jusu Sheriff, boycotted the elections of that year in protest against violence and intimidation meted out against his supporters by APC operatives. Following the 1977 elections, which were marred by gross vote rigging and political violence, Stevens moved quickly to impose one-party rule on Sierra Leone in 1978. With the one-party legislation signed into law by the President, all existing political parties were outlawed and every other avenue of free political expression was vigorously

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2 For more on the leadership style of Sir Albert Margai, see Cartwright 1978, pp 100-111.

3 Siaka Stevens, who later became leader of the APC, was a close ally of Sir Albert Margai long before independence. Margai left the SLPP and joined Stevens's breakaway party, the Peoples National Party (PNP) in 1958, in protest against Sir Milton Margai's conservative approach to the politics of independence, and his close alliance with the traditional chiefs.

4 A popular Krio slogan during the Stevens years was *usai den tie cow, nar dae e dae eat*. Literally it means a cow grazes wherever the cowherd decides to take it to on any given day. Translated in social terms, it means there is nothing wrong with an individual siphoning off part of the public resources entrusted to his or her control. Because civil servants and public officials were poorly paid, they used this slogan to justify the embezzlement of public funds.

monitored by the state and its notorious security apparatus.<sup>5</sup> It took eighteen years – until 1996 – for the people of Sierra Leone to get another opportunity to elect their leaders in multiparty elections.

Stevens's tactics of violence and intimidation<sup>6</sup> seemed to have worked well for him during the years of one-party rule, as opposition members, including former SLPP leader Jusu Sheriff and the party's current Chairman, Sama Banya, all became card-carrying members of the APC. To justify their shift in allegiance these politicians repeatedly argued that it was impossible to fight the APC from outside so the only alternative was to join them and seek to make changes from within. Sadly however, many of the APC 'converts' ended up perpetuating the culture of political corruption and violence once they had been compensated with ministerial posts.<sup>7</sup> The space for effective agitation for political pluralism and democratic expression was, therefore, limited and is now occupied largely by university students and, to a lesser extent, by trade union activists.

### THE STRUGGLE FOR DEMOCRACY AND THE WAR YEARS, 1991-1999

The struggle for democracy in Sierra Leone predates 1991. Following the imposition of one-party rule by Siaka Stevens in 1978, students, particularly those at Fourah Bay College (FBC), once the 'Athens of West Africa', became the main advocates of popular participation in governance. The FBC Student Union (SU) government became the forum through which young people expressed their disaffection with Stevens's corrupt and repressive regime. Student politics had been radicalised in 1977 when Hindolo Trye, President of the FBC Student Union government, led a nationwide protest against the violence that preceded the elections of that year. The protest was also designed to register students' displeasure with Stevens's attempt to impose a one-party Constitution on the nation. Although the APC eventually succeeded in passing the One-Party Bill in Parliament in 1978, the events of 1977 had profound impact on state-society relations for years to come.

While Trye and his colleagues, including veteran journalist Pios Foray, later fled Sierra Leone for fear of being killed by the APC, memories of their heroic efforts in 1977 were passed on from one generation of student leaders to the other. For instance, in 1985 when Ali and Haroun Boima became President and Secretary General of the SU government respectively, they drew inspiration from memories

5 In the mid-1970s Stevens established a paramilitary force known as the Internal Security Unit. This was later replaced by the Special Security Division (SSD), referred to disparagingly as Siaka Stevens Dogs. Members of this group were responsible for numerous human rights abuses committed against civilians, in the name of state security.

6 For more on the turbulent years of political violence in Sierra Leone, see Aminatta Forna 2003.

7 One example is James Musa Gendemeh, a ruthless politician from Kenema district who won a parliamentary seat in 1982. Upon assuming office Gendemeh became very critical of APC policies, but abandoned that strategy once he was appointed to a deputy ministerial post by President Joseph Saidu Momoh.

of the Trye years, in confronting the dictatorship of Stevens's handpicked successor, Joseph Saidu Momoh. Although Kabba and Boima, along with other student radicals, were expelled from the university and the SU government was outlawed by the APC regime, this only succeeded in strengthening the resolve of the next generation of student leaders, to fight 'the system'.<sup>8</sup> In the circumstances it is not surprising that by the late 1980s and early 1990s students had begun to demand the restoration of their banned government and further agitated for the reintroduction of multiparty rule in Sierra Leone.<sup>9</sup> Student unrest on FBC and other campuses around the country prompted the authorities to lift the ban on student politics in 1989. Further agitation by students, invoking the memory of 1977, forced former President Momoh to appoint a Constitutional Review Commission in 1990, headed by Dr Peter Tucker, to review the 1978 One-Party Constitution and make recommendations for the institution of multiparty rule. Because of their agitation, students were represented on the commission by the President of the FBC Student Union government, Mohamed Pateh Bah. This constitutional review process culminated in the repeal of the 1978 Constitution and the adoption of the 1991 multiparty Constitution. The ban on political party activities was subsequently lifted in the same year, as new parties were registered and old ones such as the SLPP re-emerged. However, the proposed elections, scheduled for 1992, never occurred, as radical events overtook the nation.

In April 1992, the APC government was overthrown in a coup d'état led by young military officers. Many of the coup plotters had served in the Sierra Leone contingent of the Economic Community of West African States (ECOWAS) Ceasefire Monitoring Group (ECOMOG) that was deployed on a peacekeeping mission in Liberia in 1990. It is believed that the idea of staging a coup in Sierra Leone was conceived during that mission.<sup>10</sup> The head of the junta, Captain Valentine Strasser, was only 27 years old when he took power. He accused the deposed regime of corruption and a lack of commitment to prosecute the war, which was already in its thirteenth month. Strasser declared in his first radio address to the nation that the main priority of his National Provisional Ruling Council (NPRC) government was to vigorously prosecute the war, fight official corruption and return Sierra Leone to civilian democratic rule.

Domestic and international reaction to the NPRC coup was generally positive. After decades of one-party rule, characterised by massive corruption and nepotism, many Sierra Leoneans saw the coup as the only viable means of achieving democratic transformation in their country. As paradoxical as that may sound, especially in light of the contention that the APC regime had already initiated a

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8 For more on student politics and radicalism at FBC, see Ismail Rashid 2004, pp 66-89.

9 This writer was among the group of student leaders who advocated the restoration of SU government activities in 1989. In 1991 he became Secretary General of the FBC SU government and was in the frontline of the call for the replacement of the Momoh government with an interim administration that would lead Sierra Leone to multiparty democratic rule.

10 Author's interview with former NPRC officials who prefer anonymity, Freetown, Sierra Leone, 1992.

transition to multiparty rule, and the general trend of pluralistic reforms sweeping across Africa at the time, the fact is, many Sierra Leoneans simply viewed the APC with great distrust and believed it to be devoid of any credibility to oversee democratic reforms in their country. The fact that the NPRC came to power at a time when most Sierra Leoneans were desperately clamouring for a peaceful means to replace the APC was indeed a dream come true.<sup>11</sup>

Externally, the NPRC regime quickly received recognition from states and international organisations both in Africa and beyond.<sup>12</sup> It is not far-fetched to suggest that the international support accorded the regime was informed in large measure by the widespread domestic support the coup received in Sierra Leone. Despite the fact that the regime came to power through the barrel of the gun, it was arguably impossible for the international community to ignore the fact that the majority of Sierra Leoneans at the time saw it as a genuine opportunity to reform the political process. The fact that the international community embraced the NPRC regime at a time when a 'wave of democratisation' was gradually becoming the global norm should be seen not only as an indictment of years of APC misrule in Sierra Leone but more importantly as an affirmation of the Sierra Leonean people's aspirations for genuine pluralistic reforms.

### TRANSITION TO DEMOCRATIC RULE, 1992-1996

Between 1992 and 1996 the conflict intensified as the NPRC government lost territory, including the lucrative diamond-mining regions of Tongo Field and Kono, to the rebel Revolutionary United Front (RUF). The fall of Kono in particular to rebel forces, in mid-1993, created tremendous panic among a civilian populace that was already beginning to lose confidence in the NPRC's ability to prosecute the war vigorously and manage a peaceful democratic transition and marked a turning point in the struggle for democratisation. The event inspired an already worried civil society to accelerate its agitation for political pluralism. The national support for political reform was undoubtedly a repudiation of the NPRC's tenure in office; an era marked by the reckless display of wealth on the part of senior military leaders, and the harassment of innocent civilians by rogue elements in the national army.<sup>13</sup>

Mounting domestic agitation, coupled with intense international pressure for democratisation, forced Valentine Strasser to announce in 1994 that his regime would embark on a speedy transition to civilian democratic rule. After receiving

11 The general populace was also motivated to support the NPRC because the coup was bloodless.

12 Although the US and other Western nations evacuated their nationals from Sierra Leone immediately after the coup, they did not sever diplomatic ties with the new NPRC regime. In September 1992, barely five months after taking office, Captain Valentine Strasser addressed the UN General Assembly in New York as President of Sierra Leone and received a warm reception from the delegates present.

13 For specific allegations of human rights abuses by senior NPRC officials, see, for instance, *Liberty Voice*, a local newspaper established in 1992.

recommendations from the National Advisory Council, established by the NPRC in 1992, Strasser announced the appointment of an Interim National Electoral Commission (INEC) to oversee the transition to multi-party elections.<sup>14</sup> After months of preparation, INEC announced in 1994 that multiparty presidential and parliamentary elections would take place in February 1996. This was the first time in almost thirty years that Sierra Leoneans would have the opportunity to choose their leaders in a democratic fashion.

Repeated attempts to get the RUF to participate in the 1996 elections were rebuffed by the rebel leadership. In fact, in the weeks and months leading to the poll, the rebel group embarked on a series of atrocities against civilians, code-named 'Operation No Living Thing' and 'Operation Pay Yourself'. These tactics were clearly intended to deter the civilian population from exercising their constitutional rights at the ballot box. In addition to these scare tactics, a month before the elections a palace coup took place in which Brigadier Julius Maada Bio, Vice-President of the NPRC, replaced Strasser as head of state. Bio's first task upon taking power was to reach out to the RUF and agree to a truce that would end the fighting. Bio's coup has been described as a deliberate attempt by the junta to short change the democratic transition that the NPRC itself had initiated. It was widely reported in the local press that on the day of the elections indiscriminate shootings, thought to have been carried out by disgruntled soldiers, took place in Freetown and other provincial towns.

In spite of all those threats, Sierra Leoneans turned out in their thousands to vote on election day. On 17 March Ahmad Tejan Kabbah, leader of the SLPP, was declared winner of the presidential election after receiving a majority of the votes in run-off elections held on 15 March.<sup>15</sup> In addition to winning the presidency, the SLPP also won the majority in the parliamentary elections, thus giving the party an opportunity to shape the country's post-election legislative agenda. The election of Kabbah was politically significant in the history of Sierra Leone not only because it was the first time in nearly three decades that Sierra Leoneans had elected their leader in free and fair elections, but also because it gave the new President the legitimacy needed to seek a peaceful resolution to the on-going conflict, and promote national reconciliation. In keeping with the spirit of reconciliation, and as a mark of goodwill, Kabbah appointed opposition politicians to his first Cabinet, announced shortly after he was sworn into office.<sup>16</sup> In doing so, the new President was essentially repudiating the 'winner-take-all' system and the politics of exclusion, all too common in Africa.

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14 Captain Valentine Strasser appointed current President, Ahmad Tejan Kabbah, as Chairman of the National Advisory Council in 1992, after the latter's retirement from the UN, where he had served as a bureaucrat and administrator for more than two decades. Strasser also appointed Dr James O C Jonah, another retired senior UN official, Chairman of INEC in 1993.

15 For the official election results, see The Africa-American Institute 1996.

16 In that Cabinet, one of the most senior ministerial portfolios, Finance, went to the late Thaimu Bangura, the leader of the opposition Peoples Democratic Party (PDP), otherwise known as *Sorbeh*.

In his inaugural speech to the nation, Kabbah defined his immediate objectives as being to bring the conflict to an end and embark on socio-economic reconstruction. In view of his long career as an international civil servant dealing with global development issues many observers were convinced that, given the chance to govern in a peaceful domain, Kabbah had the potential to institute meaningful economic changes in Sierra Leone.

It was against this backdrop that the new government immediately embarked on a diplomatic offensive between March and November 1996, designed to secure a peaceful resolution to the conflict. Of course one should emphasise that prior to Kabbah's ascension to power the NPRC regime, under Maada Bio, had already made attempts to reach out to the RUF to make peace. Bio's goodwill gesture to the RUF led to the first direct meeting, in Côte D'Ivoire, between a sitting Sierra Leonean head of state and rebel leader, Foday Sankoh. President Kabbah later translated this early diplomatic breakthrough into an official truce when he and Sankoh signed the Abidjan Peace Accord on 30 November 1996, barely eight months after the multiparty elections. The Abidjan Peace Accord, brokered by former Ivorian President Henri Konan Bedie, had the moral backing of both the United Nations and the Organisation of African Unity (OAU).

#### THE EVENTS OF 25 MAY 1997 AND THE CONAKRY PEACE PROCESS

On 25 May 1997 Kabbah was overthrown in a military coup that forced him and other senior government officials to take refuge in neighboring Guinea. The coup took place barely six months after Kabbah and Sankoh signed the Abidjan Peace Accord, thus shattering every hope for the return of normality to Sierra Leone. The coup leaders, who were mostly junior officers of the Republic of Sierra Leone Military Forces, quickly announced the formation of the Armed Forces Ruling Council (AFRC). The new AFRC leadership also extended an olive branch to the RUF to join their government in Freetown, confirming long-held suspicions that the army and the rebels had in fact always been partners in crime, and not enemies at war.<sup>17</sup> Major Johnny Paul Koromah, who had been serving a prison term for participating in an earlier aborted coup against Kabbah, was appointed Chairman of the AFRC, and he, in turn, designated RUF leader Foday Sankoh as his deputy, even though the latter was already incarcerated in Nigeria.<sup>18</sup>

The AFRC/RUF reign was marked by utter ruthlessness and gross human rights abuses committed against civilians. Incidents of widespread looting and summary executions were commonplace after the coup. However, despite the tactics of intimidation employed by the junta, the coup was overwhelmingly rejected by

17 The term *Sobel*, meaning 'soldiers by day and rebels at night', was coined during the conflict to describe members of the military who conspired with rebels to abuse civilians and loot their belongings.

18 Sankoh was detained in Nigeria in 1997 on charges of violating that country's weapons laws.

the majority of Sierra Leoneans both at home and abroad.<sup>19</sup> Throughout the AFRC's nine-month tenure, a nationwide civil disobedience campaign remained in place.

Internationally, the regime was roundly condemned and completely isolated from the rest of the world.<sup>20</sup> On 8 October 1997 the UN Security Council imposed comprehensive economic sanctions and an arms embargo against the regime and authorised ECOWAS to enforce those measures.<sup>21</sup> In fact, a few days after the coup – and even before international sanctions were formally imposed – a military confrontation ensued between AFRC forces and ECOMOG troops stationed in Sierra Leone.<sup>22</sup>

Repeated efforts by regional and international mediators between May and September 1997 failed to persuade the military junta to relinquish power peacefully. Surprisingly though, on 23 October 1997, just two weeks after the UN had imposed sanctions on the AFRC regime, an agreement was reached between junta representatives and ECOWAS officials in the Guinean capital, Conakry. Among other things, the Conakry Peace Accord called on the AFRC to relinquish power and pave the way for the reinstatement of President Kabbah by no later than 22 April 1998. The agreement also set specific deadlines for disarming combatants and repatriating and resettling refugees and internally displaced persons as well as guarantees for broadening the political power base upon the restoration of the elected government. Interestingly, in February 1998, barely two months before the scheduled deadline set out in the Conakry Accord, ECOMOG troops dislodged junta forces from the capital, effectively bringing AFRC rule to an end. This development, in turn, expedited the President's restoration to office on 10 March 1998.

What is strikingly absent from the Conakry Peace Accord, as from the previous Abidjan Peace Accord, is the lack of emphasis on accountability and justice. The Accord grants a blanket amnesty to the AFRC and its allies for atrocities committed during junta rule. It specifically states, in Article 8, that 'unconditional immunities and guarantees from prosecution be extended to all involved in the unfortunate events of 25 May 1997 with effect from 22 May 1998'. In analysing the reasons why the parties to the Conakry Peace Accord failed to push for accountability, one needs to emphasise the political context. The most significant issue is the absence of Kabbah or any of his representatives from the Conakry peace negotiations. Although the

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19 A group of Sierra Leonean activists in the United States, including the writer, formed The Coalition for Democracy in Sierra Leone (CODISAL) immediately after the coup to advocate the restoration to office of the democratically elected government.

20 The coup was condemned by the US and UK governments as well as by leaders of the UN, OAU and ECOWAS.

21 UN Security Council Resolution 1132 authorised ECOWAS to enforce land, air and sea blockades against the military junta in Sierra Leone. It also authorised the body to enforce an arms embargo against the regime.

22 The governments of Sierra Leone and Nigeria had a Status of Forces Agreement (SOFA) that allowed either state to come to the defence of the other in the event of an armed attack.

agreement was meant to resolve the impasse that eventually guaranteed Kabbah's return to power, his government was not officially represented at the Conakry talks and the negotiations took place mainly between the ECOWAS Committee of Five Foreign Ministers – from Nigeria, Guinea, Ghana, Liberia and Gambia – presumably acting on Kabbah's behalf, and representatives of the AFRC. In fact, Kabbah's government was not even a signatory to the Conakry Accord, raising doubts about the legality of the agreement.

It is perhaps not surprising that, when asked about their reaction to the Accord, Kabbah government officials responded with some ambiguity. On the one hand, the government embraced the agreement, as the President himself noted during a speech to the Commonwealth Heads of State Summit in Edinburgh, Scotland, in 1997. 'Any measure which restores constitutional rule in Sierra Leone is welcome,' Kabbah declared. On the other hand, the government expressed reservations about certain provisions of the Accord, especially those dealing with amnesty and the proposed timetable for the restoration of constitutional rule. Sierra Leone's then foreign minister, Shirley Gbujama, even questioned the legality of the Conakry Accord when she suggested at the same Commonwealth Summit that: 'I can't say at this time that the agreement has been signed,' cautioning the international community to refrain from unconditionally embracing it.

The implications of the above controversy are twofold. First, it undercuts, or, at best, raises serious questions, about the legitimacy of the Kabbah government during its time in exile. Although the record clearly reflects that Kabbah retained both empirical and juridical legitimacy even after he was deposed and forced into exile, it is extraordinary that he or his representatives were excluded from the Conakry peace process and yet were compelled to respect the tenets of the Accord. Second, and perhaps most important, the agreement reinforces the precedent that was set in 1996 when the Abidjan Peace Accord granted unconditional amnesties for atrocities committed during the conflict. Whether or not the Kabbah government would have pushed hard for accountability had it been present at the Conakry talks is a matter of conjecture. What is clear, though, is that the tolerance of impunity in both the Abidjan (Article 14, 1996) and Conakry (Article 8, 1997) Peace Accords foreshadowed the terrible tragedy that befell Sierra Leone on 6 January 1999, paving the way for the transformation of war criminals into statesmen.

### THE ROAD TO LOMÉ: TRANSFORMING WAR CRIMINALS INTO STATESMEN

On 6 January 1999, a combined force of RUF and AFRC combatants invaded Freetown, killing thousands of civilians, amputating the limbs of hundreds and abducting many more, including women and children (see Human Rights Watch 1999). For nearly two weeks after the invasion it was unclear who actually controlled the capital. Although ECOMOG forces were already based in Freetown at the time of the invasion, it appeared they were taken completely by surprise, as some of their units retreated from strategic locations, making it possible for the invaders to

occupy large parts of the city for almost two weeks. In fact, President Kabbah and his Cabinet – who had relied heavily on ECOMOG for their security since returning from exile in 1998 – were evacuated to Lungi International Airport, across the estuary from Freetown. However, with troop reinforcements from Nigeria, ECOMOG finally gained control of Freetown as the retreating rebels set buildings ablaze and destroyed considerable parts of the city. The partial stabilisation of the situation in Freetown set in motion a flurry of political and diplomatic activities that produced a ceasefire agreement between the government and RUF.<sup>23</sup> That ceasefire agreement in turn cleared the way for direct negotiations between the two sides.

After nearly two months of negotiations, President Ahmad Tejan Kabbah and RUF leader, Corporal Foday Sankoh, signed the Lomé Peace Accord, brokered by Togolese President Gnassingbe Eyadema, on 7 July 1999. Article IX of the Accord granted ‘absolute and free pardon’ to all combatants for acts committed during the conflict. The agreement also offered the RUF four ministerial posts as well as four deputy ministerial positions in the government as part of a power-sharing model designed to accommodate the need for broad-based governance in Sierra Leone. The Accord further provided for the appointment of rebel leader Foday Sankoh as chair of a newly created Commission for the Management of Strategic Resources, National Reconstruction and Development (CMRRD), with the rank of Vice-President. The commission, the equivalent of a super ministry, was established to oversee the activities of the entire mining industry of Sierra Leone. In return for these concessions the RUF agreed to have all its combatants disarmed, demobilised and eventually reintegrated into society. To facilitate that process, the Accord provided for the establishment of a ‘neutral and independent’ force to assist the government with its Disarmament, Demobilisation and Reintegration (DDR) programmes.

On 22 October 1999, the UN Security Council authorised the establishment of the United Nations Mission in Sierra Leone (UNAMSIL) to help implement the disarmament process. UN Secretary General Kofi Annan subsequently announced the appointments of Indian General Vijay Kumar Jetley as force commander and Nigerian diplomat Oluyemi Adeniji as the UN Special Representative to Sierra Leone. By the end of 1999 more than half of the 6 000 troops initially authorised by the Security Council were already in the country to begin the difficult task of disarming ex-combatants. Initial troop-contributing countries included Bangladesh, India, Jordan, Kenya, and Zambia. ECOMOG troops from Nigeria, Guinea and Ghana, already based in Sierra Leone, were integrated into the UN force, fulfilling a key provision of the Lomé Peace Accord. To encourage continued sub-regional participation in the peacekeeping mission, a Nigerian, Major General Mohammed Garba, was appointed Deputy Force Commander of UNAMSIL.

In May 2000, the Lomé Peace Accord collapsed after the RUF abducted more

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23 Rev Jesse Jackson, Special US Envoy for Democracy and Human Rights in Africa in the Clinton administration, brokered the ceasefire agreement in the Togolese capital of Lomé on 18 May 1999.

than 500 UN peacekeepers and killed six in the strategic northern town of Makeni. The incident was triggered by the RUF's refusal to grant UNAMSIL personnel access into the territories it controlled, including the lucrative diamond-mining district of Kono. The incident raised very serious questions about the UN's peacekeeping capacity in Africa. Coming in the wake of the withdrawal of a large contingent of Nigerian troops from Sierra Leone, this episode undoubtedly put to test the organisation's traditional approach to peacekeeping and seriously undermined the notion that the end of the Cold War had ushered in an era where the UN would exert unparalleled and uncontested global influence on security matters. After weeks of uncertainty about the fate of the UN mission the situation only stabilised after the deployment of a contingent of British troops to help secure Lungi International Airport and evacuate British nationals from Sierra Leone. The arrival of the British forces and the subsequent capture of Foday Sankoh by civilians immensely helped UN military commanders reassess their overall strategy in Sierra Leone.

#### FALLOUT FROM THE COLLAPSE OF LOMÉ: RESCUING THE PEACE PROCESS

Between the collapse of Lomé in May 2000 and the official declaration of the end of the war in January 2002, a number of important developments occurred that are worth recounting. First, at the Security General's request, the UN Security Council hurriedly approved an increase in the size of UNAMSIL from 11 100 to 13 000. In February 2000 the Security Council had authorised an increase in troop size from the initial 6 000 to 11 100. The troop size was further increased to 17 500 in 2001 – the largest United Nations peacekeeping force in the world – and stayed at that level until the May 2002 elections.<sup>24</sup> The Security Council also agreed to strengthen the mandate of the mission allowing the use of force if necessary to protect civilians from armed combatants.

Reacting to an August 2000 letter from President Ahmad Tejan Kabbah, the UN Security Council also authorised the Secretary General to negotiate an agreement with the Sierra Leone government to establish a Special Court to prosecute perpetrators of war crimes and crimes against humanity in the country. The Special Court, formalised by an agreement signed on 16 January 2002 between the Sierra Leone government and the UN, operates under both Sierra Leonean and international law (Lamin 2003, pp 295-320). With pressure from UN and ECOWAS leaders, the RUF appointed Issa Sesay interim leader. Upon taking the position Sesay sent emissaries to Abuja, Nigeria, where, on 10 November 2000, they signed a new ceasefire agreement with representatives of the Sierra Leone government.

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24 In his fourteenth report to the Security Council, Kofi Annan proposed a phased-out withdrawal of UNAMSIL forces from Sierra Leone. For more on Annan's report, see [<http://www.un.org/Docs/sc/reports/2002/679.html>]. In his fifteenth report to the Council, the Secretary General provided specifics of his plan. See [<http://www.un.org/Docs/reports/2002/987.html>].

The agreement was designed to jump-start the disarmament process that had been interrupted by the events of May 2000.

Furthermore, the international community focused its attention on the link between the illicit diamond trade and the conflict in Sierra Leone. An Expert Panel appointed by Annan on 2 August 2000 to study that subject concluded in a report presented to the UN Security Council in December 2000 that there was a direct connection between illicit diamond smuggling, illegal arms trafficking and armed conflict in West Africa, and Sierra Leone in particular (UN Report 2000, Para 19). The panel accused Liberian president Charles Taylor of being the main figure in the international criminal network that includes high-ranking Burkinabe and Togolese officials as well as several shady business enterprises in the Ukraine and other East European countries, where most of the arms used by the RUF were purchased. The panel recommended comprehensive sanctions against Liberia, and, in particular, the Taylor government. On 23 March 2001, the UN Security Council implemented the recommendation by imposing a one-year international travel ban on senior Liberian government officials and restricting the sale of arms to the Monrovia regime. Those sanctions were renewed for another year in March 2002.

In September 2000 clashes between Guinean dissidents and Liberia-backed RUF rebels on the one hand, and the Guinean army on the other, flared up into a serious conflict along the border of the three countries, comprising the MRU basin. This led to a major humanitarian catastrophe, according to UN and other international relief agencies. In spite of the official end of the war in Sierra Leone in 2002, the border regions of all three countries remains a significant flashpoint. For instance, the fighting that broke out in Liberia in 2001 between Liberian government forces and two rebel groups, Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) only subsided in 2003 after Taylor resigned and fled into exile in Nigeria.

### THE 2002 ELECTIONS AND THE POLITICS OF PEACE

After two postponements of presidential and parliamentary elections, mainly for security reasons, multiparty elections were finally held in Sierra Leone on 14 May 2002, almost five months after the war officially ended. Under the 1991 Constitution the President has the power to request parliamentary extension of his government's tenure if the country is at war; and the evidence clearly shows that President Kabbah invoked his constitutional authority on both occasions. Prior to the announcement of an election schedule, several opposition politicians had called for the formation of an interim government, while others vigorously advocated convening a national conference to debate the country's political future. Following the official declaration of the end of the war, and with an election schedule in place, the NEC embarked on a nation-wide voter registration exercise beginning on 18 January 2002. During that exercise, according to the NEC, an estimated 1.5- million eligible voters were registered. In looking back at events leading to the elections concern was expressed

in some quarters about the dangers of conducting elections too soon. For instance, in December 2001, the Brussels-based watchdog, International Crisis Group (ICG), published a report questioning the timing of the elections (ICG 2001). Among other things, the report expressed serious doubts about the prevailing security situation in the country, given the 'unfinished peace process', as well as the confusion associated with the district block voting system recommended by the NEC. These concerns, the authors suggested, were key reasons why the authorities in Sierra Leone and their international partners needed to proceed with caution. Although the report stopped short of recommending a further postponement of elections, it was very clear in its argument that unless certain benchmarks were met prior to May 2002 the whole process might turn out to be an exercise in futility.

In a similar vein the Freetown-based non-governmental organisation, Campaign for Good Governance, released an opinion survey conducted in Freetown during the early part of December 2001. Although the survey did not necessarily represent the views expressed by a majority of Sierra Leoneans at the time, the authors nevertheless suggested that it gave some indication of reactions to the peace process in general, and the elections in particular. According to the survey, a substantial majority (56.74%) favoured postponing the elections, while 37.97 per cent were comfortable with the May 2002 date. On the question of the District Block Voting System proposed by the NEC, only 17.61 per cent of those surveyed stated that they understood it, while the vast majority (81.93%) indicated a lack of understanding. We should, however, note that the former Coordinator of CGG, Zainab Bangura, was herself a presidential candidate in the May 2002 elections, thus raising a spectre of bias in the group's analysis of the polls in question.

With hindsight, however, it is clear that the above views were overly pessimistic about the prospects of the May 2002 elections legitimising the peace process in Sierra Leone. Given the peaceful atmosphere in which the elections took place and the generally positive reaction to the polls, the determination of Sierra Leoneans to close a dark chapter in their history cannot easily be dismissed.<sup>25</sup> One must acknowledge, though, that the peace achieved thus far is still tenuous. As legitimising as the elections might have been, there are still unanswered questions that will continue to test the durability of the peace.

## THE 2004 LOCAL GOVERNMENT ELECTIONS AND THEIR IMPLICATIONS

Without the publication of the full results it is impossible to make an informed analysis of the long-term implications of the local government elections on governance in post-conflict Sierra Leone. However, one needs to acknowledge that the mere attempt to decentralise power by means of a process designed to revive

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25 On elections day in 2002 many war victims whose arms had been amputated by rebel fighters went to the polling stations to cast their votes, as a mark of their determination to support the democratic process. The majority of them literally voted with their feet, since they had no arms with which to cast a ballot.

what were once dormant local governing institutions is indeed a positive development. With the exception of the institution of chieftaincy and other traditional authorities, governance in Sierra Leone has been heavily centralised for more than three decades.

During this time citizens have had to rely on the central government for everything from the issuing of passports to the provision of a piped water supply. As a consequence, the heavily bureaucratic and incompetent central government has never been as responsive to the needs of the people as a responsible government should. What we saw during this period was the complete retreat of government from large parts of the country, particularly the rural areas. The absence of government authority in these areas created a void that was later exploited by the rebels who waged war on Sierra Leone. It is therefore not far fetched to suggest that the movement toward decentralisation of power is meant to prevent a similar situation from occurring in future. Whether these new local authorities – once they are installed – prove to be efficient and whether they will get the support and cooperation of the central government remains to be seen. It is important at this juncture, though, to identify a few trends that occurred during the elections and use them to make some predictions about the future.

One of the key trends to have emerged is the continuing influence of ethnicity and regionalism in the politics of Sierra Leone. Early indications of the electoral outcome suggest that the support of the two main parties – the SLPP and APC – was largely driven by ethnic or regional considerations. In other words, both parties performed best in regions that have historically been considered their strongholds. For instance, in the returns released so far it appears that the SLPP's best performance was in the southern and eastern regions where the party's dominant ethnic base – the Mende – is situated. Similarly, the APC appears to have performed well in the northern region where it has its dominant ethnic base – the Temne. Although it appears that the SLPP may have made some gains in the APC stronghold of the north, generally speaking, the APC's performance in that region shows that it remains the party's political home.

However, in regions such as Freetown, the capital city, and its surrounding areas, where no one ethnic group can claim absolute demographic dominance, the outcome can best be described as mixed. While early indications are that the APC may have performed far better than the SLPP in Freetown and the Western area generally, it is perhaps too early to interpret that as a complete repudiation of the ruling party. It is hard to identify precisely why the SLPP performed poorly in the Western area, after dominating the region in the 2002 election. One possible explanation, however, could be the frustration of the citizens of Freetown and surrounding jurisdictions with the governing style of the ruling party. After promising improvement in the living conditions of the population in the aftermath of a decade of armed conflict, the fact is that the current ruling government has failed to meet expectations. Complaints about deteriorating living standards and corruption in high places can be heard daily from people of all backgrounds on the

streets of Freetown.<sup>26</sup> It is therefore highly possible that the voters of Freetown and the greater western area wanted to send the SLPP government a message to wake up and get its act together. If the projections about Freetown and its environs turn out to be true it will essentially mean that the APC will take over the responsibility of local governance in the capital city, thus offering the party a nationally visible platform. How it rises to this new challenge will go a long way to indicate things to come.

Another important trend that deserves close attention is the participation of independent candidates in the elections. Reports indicate that many of the candidates from both the SLPP and APC who participated as independent candidates did so because of a failure to secure party symbols from the leadership of their respective parties. Under the electoral code an individual can only run for public office on a party ticket if he or she is awarded a party symbol (Electoral Act 2002). An individual who does not secure a party symbol is free to run as an independent candidate. The fact that some individuals broke ranks with their parties and ran as independent candidates signals potential conflict within the two parties that have dominated the political life of Sierra Leone since independence in 1961. More importantly, it raises fundamental questions about the viability of the two parties. The question remains whether this potential rift created within the established parties can be exploited by a viable and credible third party movement that would articulate an alternative vision of politics for Sierra Leone.

## CONCLUSION

The twin problems of security and governance continue to pose a major threat to long-term peace building and democracy consolidation in the country. The free movement of armed fighters across the borders of Liberia, and Guinea remains a serious challenge to building lasting peace in Sierra Leone. Internally, there are strong indications that certain segments of the military still owe their allegiance to the fugitive AFRC leader, Johnny Paul Koromah.<sup>27</sup> The lack of loyalty to the state on the part of the military has long been a problem for stability in Sierra Leone, and was further compounded by years of armed conflict. Speculation that a military coup may take place after the withdrawal of UN peacekeepers from the country cannot be entirely discounted. In short, there is an urgent need to embark on a comprehensive programme designed to improve civil-military relations.

Poor governance and mismanagement of public resources remains a major challenge for post-conflict peace building and democracy consolidation. The prevalence of corruption in government has not only led to the impoverishment of the majority of Sierra Leoneans, it has the potential to sow the seeds of future discord.

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26 This was my general observation during a month long trip to Sierra Leone in January / February 2004.

27 This is not much different from the outcome of the 2002 elections, in which Koromah won a majority of the votes cast by members of the military.

While the government has taken some cosmetic steps to address this problem by establishing an Anti-Corruption Commission (ACC), a Civil Service Reform Commission, and creating the office of an Ombudsman, the feeling one gets in Freetown these days is of business as usual. It does not seem as if lessons from the past have been properly learned (Lamin 2004).

Finally, the outcome of the transitional justice processes – the Truth and Reconciliation Commission and the Special Court – initiated in 2002 could have a potentially explosive impact on peace building and democracy consolidation efforts. As the Special Court finally begins to prosecute indicted war crimes suspects there is a huge body of opinion in Sierra Leone that believes the ‘heroes’ of the conflict have been made scapegoats, while the true perpetrators have been let off the hook (Lamin 2004). The indictment of Chief Sam Hingha Norman, former head of the Civil Defence Forces and Minister of Internal Affairs, has drawn huge criticism from observers both inside and outside Sierra Leone (Lamin 2004; Gberie 2003, pp 644-646). How his supporters will react if the Special Court convicts him remains to be seen. What has become more evident now is that the institution of the Special Court process, along with that of the TRC, has ironically become a recipe for future disaster. There is an urgent need, therefore, to address this problem and weigh the advantages of continuing these processes – particularly the Special Court prosecutions – against the long-term interests of peace in Sierra Leone and the wider MRU region.

In conclusion, it is useful to mention a few words about the role of civil society and prospects for the emergence of a viable third party movement in Sierra Leone. Civil society groups, student organisations in particular and young people in general, have always been instrumental in engineering political change. The advocacy of these groups became even more visible during the years of armed conflict. Unfortunately, since the end of the conflict, it seems as if civil society groups have become less effective in the larger debate about the future of the country. While one cannot discount the reasons for this trend, it is important that these groups redefine their priorities and move aggressively to play the role they once played in the politics of Sierra Leone.

In the short term there is little likelihood of the emergence of a viable alternative political organisation to take on the status quo. There is an unproven notion among many that, given the dominance of the SLPP and APC in the political history of Sierra Leone, it is not likely that a third party movement, however credible it is, can easily displace the two established parties.<sup>28</sup> Proponents of this school of thought believe that the only way to create meaningful change is to infiltrate the two parties and then fight from within. This argument is certainly reminiscent of those advanced in the late 1970s and early 1980s, when opposition politicians and outspoken critics

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28 This impression was based on conversations with a wide range of civil society activists and opinion leaders both in Sierra Leone and in the Diaspora in the past few years.

of the APC justified their swift change of political allegiance. Given the negative impact of that strategy then, one is not convinced that, even if the same approach were adopted today, things would be any different. Perhaps it might make a difference if a critical mass of individuals committed to genuine transformation became members of these parties, as part of a team with clearly defined agendas rather than as individuals running for office only in furtherance of their own narrow political interests. At the moment, it does not appear that there is any serious debate about this. In the long run, though, it will be incumbent upon progressive minded individuals seriously to consider establishing a new political organisation that promotes an alternative form of leadership. It should be emphasised, however, that the building of such an organisation does not occur over night, hence it requires commitment, resources and sacrifice on the part of all who believe in the idea. It could take decades more to accomplish such a goal, but if a true grassroots political movement is to be built to serve the interest of the people of Sierra Leone, the effort may perhaps be worth the time and energy.

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