



POLICY BRIEF

By Campaign for Human Rights and Development International (CHRDI)

POLICY BRIEF ON POLITICAL ACCOUNTABILITY IN SIERRA LEONE

INTRODUCTION

Political accountability means that the government, civil servants, and politicians are accountable to the public and legislative bodies such as the legislature in the case of Sierra Leone. Without political accountability, the systems may degenerate into autocracy and dictatorship. Institutionalizing transparency and accountability for effective regulation of political finance is a critical aspect to safeguard the integrity and fairness of public decision-making.

Sierra Leone is one of the poorest countries in the world; public service provision is weak, and ethnicity is highly predictive of how people vote. Elections after elections, the All People's Congress wins seats in the North where Temnes predominate, while the Sierra Leone People's Party wins seats in the South, the traditional homeland of Mendes. This trend has had a profound impact on the overall political, democratic, and governance issues in Sierra Leone over the years.

Sierra Leone's struggle with corruption and accountability is not new. The country has historically struggled to hold public officials accountable when issues are identified and raised by the public or investigators, and it is partly due to this lack of accountability that citizens cannot trust their government and its institutions.

CORRUPTION IN POLITICAL PARTIES AND POLICY MOTIVATION

International instruments such as the United Nations Convention against Corruption requires State Parties to "enhance transparency in the funding of candidates for elected public office and, where applicable, the funding of political parties" (UNODC, 2003). Sections 34 and 35 of the 1991 Constitution and the 2002 Political Parties Act outline the normative and institutional frameworks of political party governance and democratic accountability in Sierra Leone.

Section 19(1) of the Political Parties Act requires that 'the source of funds of a political party shall be limited to contributions or donations, whether in cash or kind, of persons who are entitled to be registered as voters in Sierra Leone. However, the issue of party financing in Sierra Leone is relatively unregulated and thus given political parties the latitude to engage in rent-seeking behaviors including, unconventional political financing.

POLICY BRIEF ON POLITICAL ACCOUNTABILITY IN SIERRA LEONE

While it has been observed that political parties are flagrantly violating with impunity constitutional provisions including the 1991 constitution and the 2002 Political Parties Registration Act on how to conduct their affairs, the Political Parties Registration Commission (PPRC) lacks the authority to ensure political parties' compliance. There are several instances where campaign resources come from candidates' fortunes and the allegation has always been that many of these financial resources originate from corrupt practices.

Although the Commission has the mandate to enforce the laws on political party formation and funding, it lacks sufficiently strong enforcement powers to prosecute parties or revoke the registration of parties who refuse to fulfill their responsibilities and abide by the constitutional provisions. For instance, after 2007, 2012, and the recent 2018 general elections, the political parties were not forthcoming with their election-related financial accounts. For the 2018 elections, only one flag-bearer candidate disclosed his source of funding out of 17 flag-bearers, and to date, only two political parties out of 17 registered political parties in Sierra Leone have submitted their audited financial statements, albeit not on time.

Section 35(3) of the 1991 Constitution of Sierra Leone states that “a statement of the sources of income and the audited accounts of a political party together with a statement of its assets and liabilities, shall be submitted annually to the PPRC, but no such account shall be audited by a member of the political party whose account is submitted.”

The desire to strengthen the operations of the PPRC as an institution resulted in the enactment of the 2012 Political Parties Registration Act. If passed into law, the new act will authorize the PPRC with additional mandates to regulate the activities of political parties.

Parties in contemporary democracies need substantial funding to carry out their core activities, which should be seen as a necessary and unavoidable cost of democracy. It strengthens political parties and candidates and provides them the opportunity to compete on equal terms. However, money can become a tool for some to unduly influence the political process, and unequal access to funding can hurt the level-playing field, and unregulated political funding can result in the influx of black money, co-optation of politics by business interests, and widespread vote-buying. This distorting effect of money on the democratic process demands regulation by law.

POLICY IMPLICATIONS AND IMPACT

The absence of a robust system of inner-party democracy and financial reporting within parties reinforces corrupt fund-raising and the lack of financial accountability. In Sierra Leone, parties follow a top-bottom approach and operate as dynasties. In this context, a weak political financing regime can harm the overall electoral politics of the country. Thus, accountability within government becomes a measure that is used to control the power invested onto elected government officials. Without accountability, what is left is a political structure that has absolute power to act without conscience or atonement.

POLICY BRIEF ON POLITICAL ACCOUNTABILITY IN SIERRA LEONE

One of the means of ensuring public accountability and transparency is the dissemination of relevant financial information about the operating activities and financial conditions of the entity. Financial information is generally communicated through financial reports. However, the present system of accounting and financial reporting followed by Political Parties in Sierra Leone does not adequately meet the accountability concerns of the contributors, donors, other stakeholders such as members/beneficiaries, volunteers, and the public, etc.

As political parties receive billions of leons worth of funding during elections, and the sources of these funds remain undisclosed, it makes it impossible to ensure that parties are not receiving foreign funding or that there is no potential for conflict of interest/corporate influence on policies initiated after the winning party comes to power. Thus, it becomes crucial that the sources of funds received by parties during the election period are reported as part of their election expenditure statement.

Corruption in high places has sipped into every fabric of society, the state, and society, reinforcing negative attitudes that have touched the lowest point of political expediency. Although the country has made some progress in the fight against corruption for the past 24 months, the challenges before the government's change-agenda are how to reverse the politics of expediency. We see the intents and declarations from the opposition and the government clashing, as the familiar political figures from the two major political parties face accountability issues. As usual, the opposition is ganging up against accountability while the ruling party wants to go ahead with it at any cost. This is inevitable and has to be so. What comes out of this clash, will determine the future of Sierra Leone. The choice is between the rule of law and lawless political elites, the latter protecting the corrupt.

In Sierra Leone, accountability for corrupt politicians, irrespective of political leaning or status, is not a choice. It is a necessity for true democracy, development, justice, and social stability. The sooner it is done, the better.

POLICY IMPLEMENTATION

Every five (5) years the electorate has the opportunity to hold the government to account for its past performance in office. Sierra Leone has held five (5) successful national democratic elections since 1996, and four local government elections since 2004.

The power to appoint and select public officials is vested in the President on the one hand and the other hand, Section 70 of the Constitution states categorically that, the President may appoint, under the provisions of the Constitution or any other law the following persons (a) the Chief Justice; (b) any Justice of the Supreme Court, Court of Appeal, or Judge of the High Court; (c) the Auditor-General; (d) the sole Commissioner or the Chairman and other Members of any Commission established by this Constitution; (e) the Chairman and other Members of the

governing body of any corporation established by an Act of Parliament, a statutory instrument, or out of public funds, subject to the approval of Parliament.

The Appointment Committee of Parliament on the other hand has a supervisory role in checking and scrutinizing the appointments made by the executive. They do this through the investigation of assets and liabilities, as well as competence of the nominee presented before parliament by the President for vetting and approval. Additionally, when it comes to appointments to certain public sector institutions, for instance, the appointment of certain Permanent Secretaries (such as the Secretary to the Cabinet, Secretary to the Vice-President, Financial Secretary, Director-General of the Ministry of Foreign Affairs, Establishment Secretary, Development Secretary, Provincial Secretary, and Permanent Secretary), the President is supposed to appoint in consultation with the Public Service Commission.

However, the political elites barely follow the rules on appointment and promotions. Most of these political appointments are not made according to merit or the regulations. There is a lot of political influence in the appointments, especially for senior public servants.

In terms of conflict of interest, the 1991 Constitution and the Anti-Corruption Act (2008) provide the fulcrum around which public office-holders could be held accountable. In addition, the legal provisions are clear that ministers and high-level government officials are barred by the Anti-Corruption Act Section 8(1) from accepting any form of advantage or gift in connection with their official duties. Special permission is required from the president for a gift to be accepted. However, as has always been the case, gifts or favors have been elicited from individuals directly or indirectly without recourse to Presidential permission.

Moreover, there is no clear-cut legislation that specifically deals with the conflict of interest for ministers, or top-level officials, although there are sanction regimes against parliamentarians who engage in activities that amount to a conflict of interest. This differentiation is a result of the silence of the Constitution on filing declarations relating to issues of conflict of interest involving political office-holders.

Nevertheless, the Anti-Corruption Act 2008 has provided a mechanism by which sanctions could be applied to those who breach the rules on conflict of interest. Officials found in contravention of the rules regarding conflict of interest can be convicted of an offense under the Anti-Corruption Act. The Anti-Corruption Act 2008, Section 45(1 or 2-3) recommends a fine not less than thirty million leones or imprisonment for a term not less than 3 years or to both such fine and imprisonment.

Perhaps the absence of a specific legislative instrument that sanctions conflict of interest for ministers and top government officials could explain the increasing incidence of corruption among public officials within government institutions.

The widespread corruption in every layer of the power structure and the high-risk politics of going after the corrupt in powerful positions has compromised every rule, every law, and every institution. Emanating from this politics, the social values, norms, culture, and attitudes have become disoriented.

It has, however very apparent, that the present system of accounting and financial reporting followed by political parties in Sierra Leone does not adequately meet the accountability concerns of the contributors, donors, other stakeholders such as members/beneficiaries, volunteers, and the general public, etc.

AUDIENCE

- Political Party Registration Commission (PPRC)
- Political Parties
- Civil Society Organizations (NGOs)
- Universities
- Development partners including Diplomatic Missions and UN Agencies

RECOMMENDATIONS

1. On the demand side of public accountability, that is, strengthening citizens in holding the government to account for performance, behavior, and resource use; political parties can perform several roles. They can be involved in participatory checks and balances in the implementation, monitoring, and evaluation of policies and public funds. They can also facilitate political and social debate among citizens and between citizens and politicians.
2. On the supply side, political parties hold the government to account on behalf of the electorate; they assist politicians in office to be more responsive and answerable to citizens' needs; they influence policies by formulating programs and by supervising policy implementation. Political parties also provide feedback to politicians and encourage learning by monitoring and evaluating policies.
3. Public accountability is important in every society as it underpins the allocation and use of power. Political parties ideally fulfill essential intermediate roles between citizens and the state in every well-functioning multiparty democracy and are the connection between the party system and the government.
4. Disclosure requirements, political parties should report their contributions, expenditures, and all other financial transactions, and to produce documentation that substantiates their reporting. Compliance with this requirement can be promoted by providing training to parties and campaigns.

5. We further encourage citizens especially CSOs to report suspected violations of the PPRC's Act on political financing.
6. We urge the government to urgently pass into law the 2012 PPRC's Act if only to ensure democratic and political parties accountability and violent free 2023 general elections.

PRODUCED BY:

Campaign for Human Rights and Development International (CHRDI), Rights-based social-policy advocacy Organization. We draw attention to the responsibilities of duty-bearers to uphold human rights and seek to support rights-holders to claim their rights. CHRDI is in Special Consultative Status to the United Nations Economic and Social Council and accredited too many UN Agencies.