

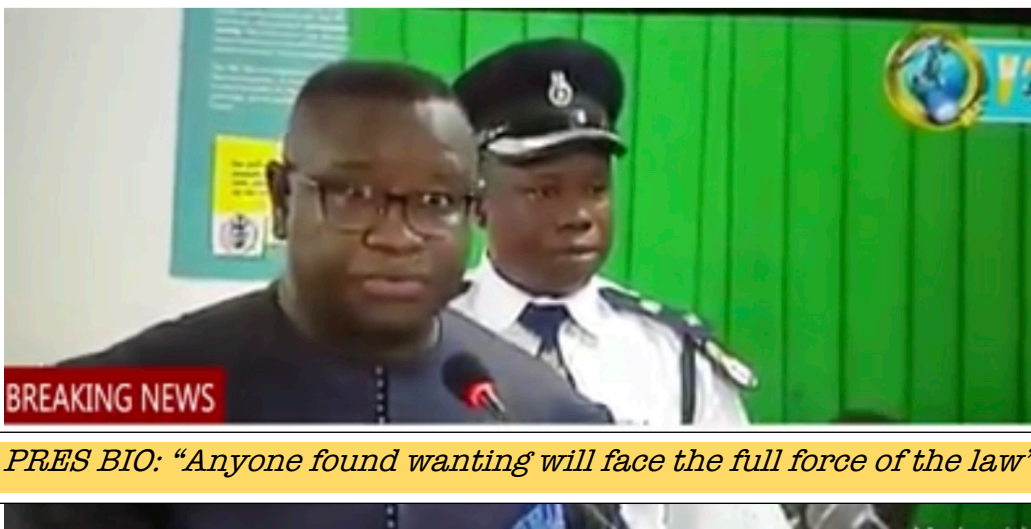


Voices and Views on Sierra Leone's 2019 Commission of Inquiry

1. BACKGROUND

Sierra Leone's President Julius Maada Bio launched three Commissions of Inquiry (COI) in January 2019 to investigate acts of corruption and mismanagement under his predecessor, Ex-president Ernest Koroma. The objectives of the COI are: (a) to understand disparities in assets accumulated by former public officials in light of their official incomes during the period 2007 to 2018; (b) follow up on the outcomes of the forensic audits undertaken by independent firms on allegations of fraudulent activities across the entire chain of governance; and (c) examine abuse of power, especially where public officials deliberately misused public offices or took advantage of state institutions for special interests (HE Bio's Speech at the launch of the COI ...

paraphrased).



The Koroma administration inherited a debt-free economy in 2007 following a \$1.6bn debt relief package by the IMF and the World Bank in 2006. Under his reign (2007 to 2018), the country enjoyed an unprecedented boom in mineral resource wealth with the opening of two large iron ore mines and an increase in the price of rutile (Sierra Leone is among the four largest rutile producers in the world). GDP growth increased from 15.2% in 2012 to 20.1% in 2013, making Sierra Leone one of the world's fastest growing economies. During the Koroma administration, however, the country also suffered two catastrophic events, the outbreak of the Ebola Virus Disease (2013-2014) and a deadly mudslide in August 2017. In July 2018 a Government Transition Team (GTT) report noted that the Koroma administration left behind foreign and domestic debts of approximately \$3bn and high levels of poverty and unemployment. The purpose of the current government's establishment of the 2019 COIs is to

understand how Sierra Leone declined from a relatively promising economy in 2007 to a highly-indebted country 11 years later, despite the increased revenues and economic prospects,. Within the context of the COI and its stated objectives, this brief survey gauges the temperature of the country on the GTT Report and the COI as a legitimate mechanism to expose and address corruption. Between 6th and 8th February 2019, IGR canvassed opinions of 1,146 citizens in three cities, one swing area (Freetown), one opposition stronghold (Makeni), and one government-controlled city (Bo Town). At a margin of error of +/- 5%, a total of 383 randomly selected interviews were conducted in each city targeting an equal number of respondents across all wards in the cities. Officials in ten government agencies also served as key informants on the potential impact of the COI and GTT report as it relates to the behaviour of public institutions. The study also solicited respondent views on how the COI can be improved.

2. CITIZEN'S KNOWLEDGE ABOUT THE COI

Almost all respondents in the two main parties' strongholds of Bo (SLPP strong hold, 99%) and Makeni (APC Stronghold, 98%) know about the COI compared to Freetown (69%) where the courts are located. High knowledge of the COI in party strongholds is not surprising. There are increased community education efforts by GoSL officials in these areas coupled with active mobilization both for and against the COI by party loyalists. More males (90%) reported knowledge of the COI than women (87%).

Respondents who have heard about the COI?

Bo = 99%

Makeni=98%

Freetown 69%

Percentage of respondents who don't know how and where to share information with the COI.

Bo = 54%

Makeni=60%

Freetown 26%

| Heard about the COI? | Female | Male | Grand Total |
|----------------------|--------|------|-------------|
| Yes | 87% | 90% | 89% |
| No | 14% | 9% | 9% |



When asked where or how to go about sharing information about corruption with the COI, only 36 percent of respondents said they knew where to go, compared to 64 percent that said they did not know. Respondents in party strongholds also reported more knowledge about how and where to access the COI than Freetown.

Can the COI help the fight against corruption?

YES

SLPP Voters= 92%

Non-SLPP Voters= 69%

Eighty two percent of the survey respondents

| Can the COI help in the fight against corruption? | Bo | Makeni | Freetown | Grand Total |
|---|-----|--------|----------|-------------|
| Yes | 85% | 83% | 77% | 82% |
| No | 15% | 17% | 23% | 18% |

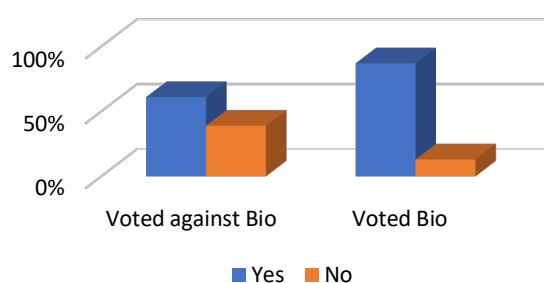
believe that the COI can contribute to the fight against corruption. However, a slightly higher number of people in Freetown (23%) are more critical of the COI's contribution to the fight against corruption as compared to Makeni (17%) and Bo (15%).

Around 92 percent of respondents who voted for Bio in the last elections said they believed the COIs can contribute to the fight against corruption whereas 69 percent of supporters of other parties said the same.

3. PERCEPTIONS OF FAIRNESS OF THE COI

Since the intention to conduct a COI was announced in July 2018, debates about its fairness and usefulness have dominated local media. While governing party officials present the COI as a tool to tackle impunity and identify some of the root causes of corruption, opposition leaders have dismissed it as a witch-hunt targeting certain ethnic groups and regions. They have also argued that the commission has

Perception of fairness of COI by voter categories



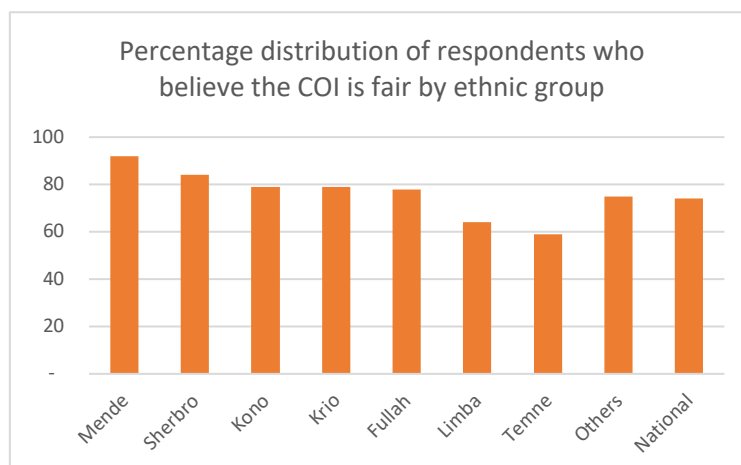
| Do you believe the COI will be fair? | | | | |
|--------------------------------------|-----|--------|----------|-------------|
| Responses | Bo | Makeni | Freetown | Grand Total |
| Yes | 85% | 82% | 76% | 81% |
| No | 1% | 13% | 5% | 6% |
| Don't know | 16% | 5% | 19% | 13% |

failed to observe due process in its establishment. The survey therefore asked respondents about the fairness of the COI Process.

Overall, 81 percent of respondents believe the inquiry process will be fair (85 percent in

Bo and 82 percent in Makeni, the heartland of the opposition APC party.) However, perception of fairness differed more by ethnicity: respondents from ethnic groups largely affiliated with

the ruling party expressed greater belief in the fairness of the process, (92 percent Mendes and 84 percent Sherbro) compared to those affiliated with the opposition APC (59 percent Temne and 64 percent Limbas) who believed that the process would be fair.



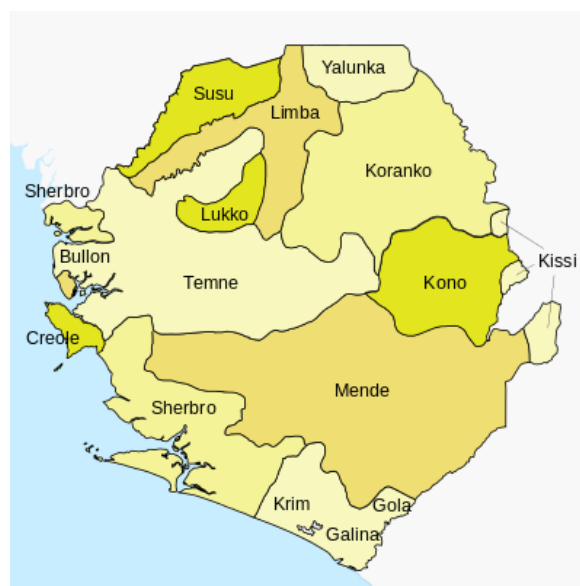
Respondents expressed three main concerns around the fairness of the COI. About 43 percent believe judges will give preferential treatment to some of the accused; 27 percent believe the executive will unduly influence the COI recommendations; while 18 percent are concerned that the process has not provided for rules of evidence independently developed by a committee and ratified by parliament.

| Top reasons for not believing in the fairness of the COI | Percentage responses |
|--|----------------------|
| Judges will give preferential treatment to some of the accused | 43% |
| The Executive will unduly influence recommendations | 27% |
| There are no rules of evidence | 18% |
| It is against my tribe/region/party | 6% |
| Others | 5% |

On the question of the COI targeting specific tribes/regions, only 6 percent believe that their ethnic group is being targeted, while 84 percent believe that their ethnic groups are not targeted by the COI. Ethnic groups in ruling party areas in Bo feel less threatened than do communities in the northern city of Makeni.

Do you believe your ethnic group is targeted by the COI?

| Ethnicity | Yes | No | Don't know |
|-------------|-----|-----|------------|
| Sherbro | 0% | 93% | 7% |
| Mende | 2% | 94% | 4% |
| Fullah | 10% | 87% | 3% |
| Krio | 14% | 86% | 0% |
| Kono | 14% | 83% | 3% |
| Limba | 11% | 82% | 7% |
| Temne | 23% | 71% | 6% |
| Others | 16% | 78% | 6% |
| Grand Total | 11% | 84% | 5% |



Support for the COI appears to cut across political parties, although supporters of the ruling party are more likely to believe that the COI does not target their party. 91 percent of SLPP supports believed that the COI did not target their party while just over one fourth of APC supporters believed that the COI targeted their party.

| Do you believe the COI targeted the political party you support? | | | | |
|---|-------|-------|------------|-------------------|
| Responses | Yes | No | Don't know | Prefer not to say |
| I vote for another Presidential candidate | 27% | 66% | 4% | 3% |
| I voted Bio | 4% | 91% | 4% | 1% |
| Grand Total | 15.5% | 78.5% | 4% | 2% |

Below are citizens feel perceptions on ways to improve the fairness of COI.

| Ways to improve fairness of the COI | |
|--|-----|
| Make it an open-process to civil society and journalists | 32% |
| Establish the rules of evidence | 20% |
| Include civil servants on the list of accused persons | 16% |
| Increase public awareness | 14% |
| Take some of the COI sittings to the provinces | 8% |
| Discontinue the COI | 5% |
| Other reasons | 5% |

4. PERCEPTIONS OF THE COI AS A DRIVER OF VIOLENCE

In light of concerns that the COI can potentially lead to violence, given statements by opposition leaders to members to not attend hearings and not cooperate with the COI ad

President Bio's response that those who fail to attend will "face the full force of the law," the survey examined fears that the COI could lead to violence.

About 19% of respondents are afraid that the COI could lead to violence. A majority of those who fear violence are in Makeni (40%). On the other hand, only 4 percent of respondents in Bo and 13 percent of respondents in Freetown expressed similar concerns. Enumerators spoke to a few

| Could COI lead to violence? | | | | |
|-----------------------------|-----|--------|----------|-------------|
| | Bo | Makeni | Freetown | Grand Total |
| Yes | 4% | 40% | 13% | 19% |
| No | 81% | 57% | 73% | 71% |
| Don't know | 15% | 3% | 13% | 11% |

respondents in Makeni who stated that they are afraid to send their children to school for fear of violence erupting. About 20 percent of the people who fear violence are youth.

5. The COI and Changing Institutional Behaviours

The COI faces great expectations to recover stolen monies, recommend punishment for abuse of office and introduce safeguards against repeats of corruption under the current government. Changing institutional behaviours will require reform of systems and implementing accountability for individual corrupt behaviour. In truth the country still has a long way to go. Decentralisation is still not functional, lack of inclusiveness an on-going concern, and challenges with mis-appropriation of funds and graft remain in key institutions, including the Freetown City council. At the same time, the research shows that there are islands of success that show that reform is possible. Data was collected from five GoSL institutions: three of which raise 80 percent of domestic revenue but have been heavily exposed to corruption; and two of which have the biggest influence in shaping governance and national development.

We looked at the National Revenue Authority (NRA), National Telecommunications Commission (NATCOM), and the Sierra Leone Road Safety Authority (SLRSA) to understand reforms in revenue management as well as the Anti-Corruption Commission (ACC) and Statistics Sierra Leone to assess progress, stagnations or reversals in reforms over the last six months.

We divide our observations into two: general and institution specific.

At the general level, the following changes were observed:

- a) The threat (or promise) of the COI appears to be keeping public officials in check. A sense of accountability for actions or inactions, misuse and abuse of public resources is setting in. There has been some movement on the implementation of the audit report [such as...?]. Petty cash use dropped by 60 percent in two of the five institutions. Significant savings have been made through reductions in excessive staff allowance and per diem for doing official duties.
- b) Revenue increase resulting from measures to improve revenue collection has led to payment of salaries by GoSL without taking overdrafts from central bank.

At the institutional level, the following changes were observed:

| Institution | BEFORE July 2018 | AFTER July 2018 |
|--|---|---|
| Anti Corruption Commission ACC | Weak asset declaration regime targeting senior public officials | Completed an amendment of an act that will strengthen the legal framework in the fight against corruption. In addition, regulation has been enacted on the asset declaration regime, aiming at strengthening public accountability through asset declaration. Reduce the number of people declaring assets to focus largely on those with clear political affiliations, rather than teachers etc. |
| | Prosecutors were resident in Freetown leading high backlog of cases | Permanent resident ACC prosecutors recruited and posted to Bo and Makeni. The Bo resident prosecutor covers Bo and Kenema, whereas the Makeni resident prosecutor covers Makeni and Kono. |
| | No designated judges to try corruption cases. | The commission has lobbied the judiciary to designate judges with a primary focus on corruption related matters. |
| Statistics Sierra Leone SSL | Strong concerns about data integrity, especially the census that led to police investigations and SSL mentioned in the GTT report | <ul style="list-style-type: none"> • A qualified professional in post. Introduced Integrity Management Committee. • A new division called Project Management and Statistical Coordination created to provide quality management framework to streamline Statistics Sierra Leone's projects. It provides statistical services needed to produce official statistics, and to coordinate national and global strategies such as the NSDS and SDGs. |
| National Revenue Authority NRA | Serious leakages at the ports leading to poor revenue base | <ul style="list-style-type: none"> • NRA doubled domestic revenue over the period. • ASYCUDA World, a web-enabled computer system was introduced to enhance domestic revenue and customs' controls. Established paperless customs and enhanced Electronic Single Window (ESW) through automation and electronic submission of documents and management. It provides real-time revenue data to government. |
| Sierra Leone Road Safety Authority SLRSA | License issuance restricted to Freetown, lack of quality assurance in the issuance of licenses | <ul style="list-style-type: none"> • Introduction of a robust driving test mechanism in a bid to ensure that licenses are issued to rightful persons. • A policy framework geared towards interconnectivity. Decentralisation of the process is enabling those in provincial headquarters to acquire |

| | | |
|------------------------------|--|---|
| | | licenses without having to come to Freetown. |
| National Telecoms Commission | NATCOM staff used to side with the mobile companies. The only regulatory framework that existed was regarding the use and registration of sim cards. | Have drafted laws and policies that will encompass both telecommunication and internet regulations. The document is set to be tabled in Parliament for approval. There is an ongoing review of the NATCOM act to incorporate policies for tackling cybercrimes and fraud. |

6. IMPLICATIONS AND RECOMMENDATIONS

This survey shows promising signs of citizens' willingness to unite across multiple registers of political, ethnic and regional differences to embrace the COI as an instrument for laying a solid foundation for accountable governance and national transformation. Interlocutors in all key informant interviews agree on the view that if implemented fairly and transparently, the COI offers a new approach for Sierra Leone's political parties to hold each other to account and help the country move democratic accountability beyond the ballot box. It also could help establish a standard for holding current and future administrations to account. At the same time, it is important to note that while a majority of respondents across both surveyed districts and Freetown largely express support for the COI, supporters from the opposition party are more likely to view the COI critically and express concerns about a lack of fairness and targeting of the party. The administration **must** ensure that these fears are allayed through guaranteeing that **all** those suspected of corruption are investigated irrespective of ethnic group and/or party and that those found guilty are held accountable without favouritism to anyone. The process must also be seen as inclusive and fair, drawing on collaboratively agreed on rules, with COI members that are perceived as legitimate and above board. This will help all parties have collective ownership of the process and accept the results.

Critics of the COI maintain the view that its scope is too broad and any attempt to investigate corruption under the last administration in great depth will embroil the current administration in protracted wrangling with opposition actors and distract attention from delivery of essential services. We note that government is aware of the possible distraction a full-scale anti-corruption crusade can create and has clearly defined a time frame for the investigation and targeted objectives to cover. Given the efforts required to look into these issues in sufficient depth, we note that the coverage is still broad and call for a restriction of the COI to arguably the most strategic issues such as the response to the Ebola outbreak, Census, Mudslide, central bank, telecoms and road contracts. The current census data in particular which had been fraught with accusations of inaccuracies has ended up laying the basis for the current parliamentary structure and future resource allocations. This should be critically examined by the COI to address future controversies.

Observers are keen to see how GoSL manages the delicate balance between pursuing corruption and not be seen as targeting the opposition. With the growing consciousness about accountability in public institutions, what will separate the 2019 COI from past commissions is an ability to punish visible acts of corruption while freeing those who are innocent. In so doing, it will take an important step in addressing impunity by showing that nobody is above the law and that there are consequences for corruption and abuse of public office. This will send an important message to our youth, and even provide the opposition party with a platform to hold the ruling party to account.