

GOVERNMENT OF SIERRA LEONE



BUILDING AN ARCHITECTURE FOR PEACE

GREEN PAPER

on the proposed

Peace and National Cohesion Commission for Sierra Leone

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A. Foreword

Following up on his manifesto promise to the people of Sierra Leone, His Excellency, President Julius Maada Bio, at the State Opening of the First Session of the Fifth Parliament of the Second Republic on May 10th, 2018, announced the creation of an Independent Commission for Peace and National Cohesion to be established by an Act of Parliament. According to His Excellency President Bio, “in the last ten years, the building blocks of national cohesion and the feeling of belonging of all citizens have gravely crumbled. The recent governance strategy has been characterized by tribalism, divisiveness, exclusion and the weakening and subversion of state governing institutions.”

As a demonstration of his unwavering commitment to the establishment of an Independent Commission for Peace and National Cohesion, His Excellency, President Julius Maada Bio requested a Green Paper that would outline the strategic objectives, framework and structure of the proposed Independent Commission for Peace and National Cohesion.

This Green Paper is a result of research, extensive consultations with relevant stakeholders in the country, the 1991 Sierra Leone Constitution, our recent political history and the Truth and Reconciliation Commission Report of 2004. This document suggests a structure and composition for the proposed Commission after careful examination of other Commissions in Sierra Leone and similar Commissions in Africa. It highlights the important roles of traditional leaders, political parties, religious leaders, the media, development partners, women, youth and Civil Society Organizations.

It is important to note that this Green Paper is not a Government of Sierra Leone policy document establishing the Commission. This Green Paper is a consultative document, designed to provide the necessary information upon which the required policy document can be extracted for the establishment of the Commission. It is also designed to raise issues and questions that needs to be answered in order for the Government to be able to develop the required policy for the establishment of the Commission.

This Green Paper provides a framework for further consultation between the Government of Sierra Leone and a broader range of relevant stakeholders, including other political parties, the Inter-religious Council of Sierra Leone, Civil Society Organizations, the media, the academic and international community, to reinforce the culture of consultation and dialogue as an integral part of the process of establishing the Commission. This will ensure that all views are incorporated into the final policy document.

Finally, this Green Paper articulates a roadmap that will take the Green Paper to a National Conference and subsequently leading to a White Paper that will culminate into an Act of Parliament to establish the Commission.

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B. Introduction – Purpose of the Green Paper

1. Section 5 (2) (b) of the Constitution of the Republic of Sierra Leone 1991 ('the Constitution'), under the fundamental principles of state policy chapter provides that the security, peace and welfare of the people of Sierra Leone shall be the primary purpose and responsibility of Government, and to this end, it shall be the duty of the Armed Forces, the Police, Public Officers and all security agents to protect and safeguard the people of Sierra Leone. In Section 10 (c) of the Constitution, it is further stated that "*(T)he foreign policy objectives of the State shall be— the promotion of international co-operation for the consolidation of international peace and security and mutual respect among all nations; and respect for their territorial integrity and independence; and (d) respect for international law and treaty obligations, as well as the seeking of settlement of international disputes by negotiation, conciliation, arbitration or adjudication.*"
2. The promotion of peace is a central thread that runs through the Constitution. In fact, section 73 (3) of the Constitution mandates Parliament to make laws for the peace, security, order and good government of Sierra Leone.
3. Although the Constitution does not codify peace as a human right, Sierra Leone is a state party to the African Charter on Human and People's Rights, which recognizes the right to national and international peace.¹
4. At the State Opening of Parliament on 10 May 2018, His Excellency President Julius Maada Bio, set out the need for and purpose of an Independent Commission for Peace and National Cohesion in the following words: "In the last ten years, the building blocks of national cohesion and the feeling of belonging of all citizens have gravely crumbled. The recent governance strategy has been characterized by tribalism, divisiveness, exclusion and the weakening and subversion of state governing institutions." There was a need, President Bio said, "to promote unity and national cohesion."
5. His Excellency then announced the launch of a Presidential Initiative "that will be heralded by a National Conference on peacebuilding, diversity management and rebuilding of national cohesion." He proposed the creation of "an Independent Commission for Peace and National Cohesion to be established by an Act of Parliament" and to carry forward the Presidential Initiative.
6. This Green Paper sets out in broad outline the framework and parameters of the Commission for Peace and National Cohesion. It is the result of research, including consultations, within the country; and draws from the country's recent political history, the 1991 constitution, and the report of the Truth and Reconciliation Commission (TRC) of 2004.

¹ Article 23 (1) of the Charter provides that all peoples shall have the right to national and international peace and security. The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organization of African Unity shall govern relations between States.

7. This Green Paper suggests a structure and composition for the Commission from examining other Commissions in Sierra Leone and similar Commissions in Africa. It delineates the important roles of traditional leaders, religious leaders, women, youth groups and Civil Society Organizations (CSOs).
8. It is important to state what this Green Paper *is not*. It is not the final, authoritative Government of Sierra Leone policy document establishing the Commission. It is more or less a consultation document providing material upon which that policy document can be built and frames the need for the Commission in a detailed and coherent outline. It also provides a framework for focused interaction between stakeholders and the Government, an essential function of the proposed Commission. The aim is to stimulate further consultations among a broader range of actors, including political parties, the Government of Sierra Leone (the Executive, Legislative and Judiciary branches); the inter-religious Council of Sierra Leone; Civil Society; the media; youth groups; and the academic and international communities.
9. A White Paper shall be produced from which the Act setting up the Commission will be drawn.

C. Justification for the Commission

10. Though a diverse society, Sierra Leone has been largely free of ethnic, regional and religious strife. The high level of religious tolerance and ecumenical synergy, in fact, has over the decades been drawn upon as a critical resource for conflict prevention, mitigation and resolution. However, national elections since 2007 have been characterized by potentially destabilizing tensions and sometimes outbursts of limited violence, producing increasingly entrenched patterns of ethnic and regional voting. The situation is reminiscent of the late 1960s political turmoil that provided the false justification for the imposition of one-party by late President Siaka P. Stevens and must be seen as a direct threat to our democratic experiment and the peace and stability that the country has enjoyed for nearly two decades now. The re-emergence of ‘tribal’ and regional politics, largely absent during the years of President Ahmad Tejan Kabbah’s Sierra Leone Peoples Party’s (SLPP) rule, is the result of a deliberate policy of ethnic favouritism and appeal by political leaders of the All Peoples Party (APC) Government of former President Ernest Bai Koroma. Exploiting ethnicity and regionalism for political purposes may lead to violence, the loss of life and property. It can lead to wider instability that might disrupt the state and society. And it undermines good governance, accentuate fissures in our society, and gives traction to corrosive demagoguery, thuggery and corruption.
11. In its report of 2004, the Truth and Reconciliation Commission posited as a “governance imperative” the nurturing of “a culture of tolerance and inclusion in political discourse,” noting that its absence was one of the key reasons for the brutal civil war of the 1990s. It deplored the ethnically driven politics that led to the Government becoming “balkanized”

- in the late 1960s and 1970s, with “the predominant ethnic group of the ruling party” aggrandizing the state’s patrimony for its own benefit to the exclusion of all other groups.
12. The 1991 Constitution was an attempt to ensure better and more representative governance. Section 5 (2) (b), under the ‘fundamental principles of state policy’, invests sovereignty to all the people of Sierra Leone “from whom Government through this Constitution derives all its powers, authority and legitimacy.” The Constitution mandates the State to “promote national integration and unity and discourage discrimination on the grounds of place of origin, circumstance of birth, sex, religion, status, ethnic or linguistic association or ties.” It entrusts Government with the authority and mandate to provide “the security, peace and welfare of the people of Sierra Leone” as its “primary purpose and responsibility.”
 13. The framers of the Constitution drew a clear connection between good governance and national cohesion and the promotion of peace and stability. To this end, Section 73 (3) of the Constitution mandates Parliament to make laws for the peace, security, order and good government of Sierra Leone.
 14. By the time the Constitution was enacted in the September 1991, a civil war, the product of years of misrule by a corrupt APC one-party state, was already tearing the country apart. The Constitution, under which national elections were conducted in 1996, survived the war. The war officially ended in 2002. However, we must concede that nearly two decades of peace and four presidential elections later, Sierra Leone remains a deeply divided society riven by ethnic and regional fissures. The results of the presidential and parliamentary elections of 2007, 2012 and 2018, revealed in bold relief accelerating ethnic and regional divisions in the political sphere that must be considered a latent threat to peace and security in the country.
 15. His Excellency President Bio was right to attribute this and to lament its effect with respect to undermining the governing structures of the State as carefully crafted by the 1991 Constitution. Hence the need to devise a new arrangement to help promote dialogue, promote national integration and cohesion, and advance equity and justice, and thereby help prevent violent conflict.
 16. The cost and toll of the civil war of the 1990s and early 2000s conflict – tens of thousands of people killed, maimed, or crudely amputated, and hundreds of villages and towns destroyed – surely demonstrated the importance of peace, broadly defined, to all Sierra Leoneans. We learnt from those experiences that peace should never be taken for granted. It must be deliberately and constantly nurtured and promoted.
 17. This Green Paper makes the case for a Peace and National Cohesion Commission to act as a vehicle for enhancing national dialogue, integration and cohesion, and to provide the nurturing platform for civil peace, political tolerance, and violence-free elections. Achieving these tasks in a country whose recent electoral politics have shown a troubling ethno-regional divide, and which practices the politics of winner-takes-all, is a difficult but not insurmountable task. It is a challenge that must be faced.

18. It was bold and commendable on the part of His Excellency President Bio to, first and foremost, accept that the problems exist, and to take concrete steps to do something about those problems. This is the spirit with which the Commission must be approached and embraced by all Sierra Leoneans.
19. In 2009, a rash of violent incidents and clashes between partisans of the APC and SLPP, including a frontal attack on the SLPP headquarters in Freetown by supporters of the then ruling APC, threatened to upend our hard-won peace. The restraint of the SLPP leadership, and particularly the timely intervention of the United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) under the courageous leadership of Michael von der Schulenburg, prevented an escalation. Mediation by UNIPSIL led to the signing of the Joint Communiqué by the leadership of the APC and SLPP – with the UN acting as moral guarantor – in which they pledged to uphold “the Rule of Law and [maintain] the core principle of democracy of free debate over alternative policies and views in an atmosphere of mutual respect.” They further pledged “to work jointly in preventing all forms of political incitement, provocation and intimidation that could lead to a recurrence of the disturbances” that the country had witnessed since the 2007 elections. “While we must learn from our painful historical experiences,” the Joint Communiqué added, “we maintain that we should not be haunted by those memories; instead we commit ourselves to building a peaceful, democratic and prosperous Sierra Leone for the benefit of all of our people.”
20. The underlying anxiety that led to the Joint Communiqué is still pervasive – though the lack of sincerity on the part of the previous Government made sure its terms were never seriously implemented – and the document can serve as a useful starting point for conversations at the National Conference heralding the Peace and National Cohesion Commission. Among other things, the Commission will provide support as an interface body to the Government and other national and local stakeholders in identifying and resolving tension and threats of potential conflict, in the political, economic and social spheres.

D. Need For a National Conference

21. It is important, if the Commission is to be accepted as a truly national institution, that its full establishment be preceded by a National Conference on peacebuilding, diversity management and rebuilding of national cohesion, as tentatively proposed by His Excellency President Bio during his first address to Parliament. This National Conference, which must bring together all major stakeholders in the country, should provide a platform for frank and open discussions of political events from the elections of 2007, and should focus on generating dialogue and ideas around making the political, economic and governance systems in Sierra Leone more inclusive, accountable, and fair. The underlying principle of the National Conference, as for the Commission itself, must be the need for inclusive governance, political tolerance and fairplay.

22. The Conference should examine steps that can be taken to ensure greater openness of the democratic space, greater tolerance of political diversity and more inclusive governance. The discussions at the Conference will include examining the winner-takes-all system upon which the political system in Sierra Leone is based, and participants will be urged to suggest solutions to many of the problems that this system has created or enhanced, including ethno-regional politics and electoral violence and rigging.
23. The National Conference should also discuss the rights of dual citizens and Sierra Leoneans resident abroad to participate in the country's politics; the role of the Sierra Leone Police Force as a neutral law enforcement agency during elections; the role of the Judiciary as an arbiter of electoral and other political dispute ; the role of traditional leaders in electoral politics in cross-party dialogue; the role of the Mass Media in advancing civil political discourses free of 'tribalism' or regionalism ; the Role of Parliament; and all other factors and measures that would enhance greater democratization, openness, political tolerance, and justice and respect for the human rights of every citizen.

E. Additional Thoughts on the Peace and National Cohesion Commission

24. An infrastructure for peace will create some form of predictability as to how national disputes can be resolved. At present, in our customary and traditional systems there are ways of resolving disputes within ethnic groups. The same cannot be said of disputes that cut across ethnicities. There would always be grievances. They will not be limited within ethnic groups. There is a need to have a channel through which such disputes that threaten the stability of the nation can be nipped in the bud and resolved.
25. There is a lack of a non-adversarial institutional mechanism to address violent conflicts related to identity and resource distribution. Despite its limited relevance, the visible institution for conflict management is the court. Litigation is not always the answer. It always ends up with one party winning and the other dissatisfied because of its adversarial nature. Whilst the courts of record as presided over by Judges trained in law, are an indispensable institution for conflict resolution and justice, their adversarial process and the resulting outcomes are a major limitation on their use as an effective option for resolving violent conflicts associated with identity. The traditional mediation and conflict resolution approaches and societal agencies are inherently limited. There is a need to have a platform that will use conciliation, dialogue and mediation as means of resolving conflict.
26. Attempts made to mainstream peacebuilding have been ineffective and have not been properly integrated within the structures of Government. As we shall see later, a number of other Commissions and Government bodies have the promotion of peace and national cohesion as an ancillary function. The Peace Commission will have as its primary task the promotion of peace and national cohesion and its methodology will be different. It will conduct audits that help reduce ethnic and regional tensions across the country, lobby and engage the Ministry of Basic and Senior Secondary School Education to

introduce Peace Education and Civics for Sierra Leone in the curriculum of Junior and Senior Secondary Schools; urge the Ministry of Technical and Higher Education to mainstream the teaching of mandatory Peace Study courses at the first year of University education, set up Peace Clubs, engage with traditional leaders to help pursue peace countrywide, initiate, lobby for and advocate to government for policy, legal or administrative reforms, engage the private sector and religious organizations on how they can also help create public awareness, support and advance peace and harmony across the country, promote conciliation and mediation as means of conflict resolution and undertake research solely or together with the Peace and Conflict Studies Department at Fourah Bay College and other relevant departments in other Universities in Sierra Leone.

27. Peace is a process not an event. Peace should never be taken for granted. Peace is not a given, it has to be worked for, maintained and sustained. The way society organizes itself to have meaningful and transparent discussion concerning the distribution of its resources, could determine whether that society could be peaceful or less peaceful. The bitter history of eleven years of war stressed the need for an infrastructure for peace in Sierra Leone. The only way to guarantee that the people will not go back to that history or to doing things they did to themselves will be by committing to never again. In short, a Peace Commission will institutionalize the concept of “Never again.”
28. It is important to have a specialized body that will be focused on effort to engender peaceful coexistence in the entire country. The Commission will be a suitable platform for the provision of leadership and will work with others to resolve avoidable conflicts in order to ensure that Sierra Leone remains on the path of peace and remains focused on attaining the Sustainable Development Goals (SDGs) and African Union (AU) Agenda 2063, the strategic framework for the socio-economic transformation of the continent over the next 50 years.
29. Many of the countries that are growing developmentally are countries that are stable. There is a clear correlation between peace, development and economic progress. Sierra Leone is at the bottom of the Human Development Index; 184 out of 188 countries in terms of human development. No business thrives in violence and conflict. The private sector shies away from conflict zones. Sustainable development depends on the presence of peace, stability and security.
30. Most of the drivers of conflict mentioned in the appendix are related to the economy – unemployment, increasing income inequality and poverty, the Commission will also need to push and lobby for successful policies for achieving the Sustainable Development Goals (SDGs) and work closely with and support policies that respect, promote and protect human rights, including the right to development, increase efforts to reduce inequality and eliminate social exclusion and discrimination and in particular enhancing opportunities for women and girls and advancing the economic, legal and political empowerment of women. Transcending conflict and moving towards the promotion of peace, human rights, justice and security, governance and the rule of law is an essential step towards sustaining national development and growth.

31. National identity is a person's sense of belonging to one's state or nation. It is a feeling that one shares with a group of people regardless of their citizenship status. This sense of belonging plays a very critical role in uniting fellow country men and women while at the same time appreciating diversity. The positive expression of one's national identity is patriotism which fosters national unity. As a country, we lack a common nation identity. In addition to a lack of a national identity, the country still faces a challenge of what can be referred to as emerging identities based on different situations and circumstances.
32. We still maintain deep-rooted loyalties to our ethnic identities and this influences economic, social and political organization and expression. This has also led to ethnicization of politics and employment and associated negative sentiments. The current ethnic tensions and conflicts are the fodder for future violent conflicts. Without studying, understanding and addressing the root causes of the conflicts there is every possibility that violent conflict may recur on a larger and deadlier scale. Hence, we require a Peace and National Cohesion Commission in recognition of the need for a national institution to rally Sierra Leoneans towards national identity and values, mitigate ethno-political competition and ethnically motivated violence, eliminate discrimination on ethnic, racial and religious basis, and promote national reconciliation and healing.
33. It is important to have a body that embodies the hopes of Sierra Leoneans from different walks of life, irrespective of their religion, ethnicity or political affiliation. It must have the functional relevance to invest the strengths of diversity in a way that enhances national appreciation through strategies that promote patriotism and nation building.
34. The proposed Commission shall endeavour to uphold the rights of people to contribute in the political, ideological and cultural practice of their choice, while seeking to diminish retrogressive tendencies that undermine the very existence of different ethnic groups. It will examine the factors that promote discrimination and marginalization with a view to devise sustainable mitigation. The Commission will be set up following extensive consultations across the country, culminating in a national conference on peace building, management and rebuilding of national cohesion. The aim is to promote cross-community and cross-regional unity, emphasize strength in diversity, inter-ethnic and regional relations and shared values required for a harmonious living while at the same time highlighting the evils of continued political polarization which is a harbinger of conflict.
35. By setting up the proposed Commission, Sierra Leone will be emulating regional and sub-regional trends regarding the establishment of a "panel of the elders" as established by the African Union or similar system as a conflict and peace intervention mechanism. Their provisions in relation to the composition and functions of such mechanisms are an important precedent to guide the setting up of the proposed commission. According to the African Union Peace and Security Council Protocol, members of the panel comprise "highly respected African personalities" who have made a significant contribution to the "cause of peace, security and development" in Africa.

36. The five members of the panel are individuals who are deemed non-partisan and are selected on the basis of regional representation. The panel was established to assist the Peace and Security Council and the Chairperson of the AU Commission in their efforts, especially in the area of conflict prevention. The panel principally offers recommendations on issues relating to the advancement and maintenance of peace, security and stability in Africa.

F. The Mandate of the Proposed Commission

37. The proposed Commission will be set up to facilitate and promote equality of opportunity, good relations, harmony and peaceful co-existence between persons of the different regions, communities, ethnic and religious communities, and to advise the Government on all aspects thereof. It will also facilitate, provide the space and allow the people to take ownership and develop mechanisms for conflict prevention, management and resolution as well as to build sustainable peace in the country.

38. The Commission will denote the importance of Sierra Leoneans being mobilized, sensitized, trained and educated about non-violent conflict resolution processes as well as peace building initiatives that appreciate human dignity.

39. It is proposed that the functions of the Commission shall include the following:

- a) Serve as the National infrastructure for Peace
- b) Develop, ensure and implement programmes to promote national healing, unity, cohesion, justice, reconciliation and integration in Sierra Leone and the peaceful resolution of disputes;
- c) Enhance tolerance, understanding and acceptance of diversity in all aspects of national life.
- d) Unify and integrate Sierra Leoneans into a cohesive society guided by national values and the principles of governance;
- e) Foster equity and social justice by building on, or complementing other on-going national processes aimed at addressing nationhood, national cohesion and integration;
- f) Establish and promote principles, standards and best practices that should guide the process of national cohesion, integration, and reconciliation;
- g) Address causes of ethnic discrimination, negative ethnicity, perceptions of discrimination, unequal distribution of resources and opportunities;

- h) Eliminate all forms of ethnic and other forms of discrimination and discourage persons, institutions, political parties and associations from advocating or promoting discrimination;
- i) Promote respect for religious, cultural and linguistic diversity in a plural society.
- j) Develop procedures and institutions at national level to facilitate dialogue among political parties, communities, organizations and other groups, in order to prevent conflicts and disputes arising, in the future;
- k) Receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate;
- l) Develop mechanisms for early detection of areas of potential conflicts and disputes, and to take appropriate preventive measures;
- m) Plan, supervise, co-ordinate and promote educational and training programs to create public awareness, support and advancement of peace and harmony amongst communities and groups in Sierra Leone;
- n) Promote amicable resolution of conflict through arbitration, conciliation, mediation and similar forms of conflict resolution mechanisms including indigenous mechanisms among communities, organizations, groups and individuals;
- o) Conduct investigations into any dispute or conflict within the mandate of the Commission
- p) Undertake and conduct research and studies on the nature, scope, extent and causes of disputes and conflict and make recommendations to the Government on any issue relating to peace.
- q) Provide a framework for mainstreaming national cohesion and integration into national development programmes, projects and activities including infusing cohesive principles into laws and policies as stipulated;
- r) Increase awareness on the use of non-violent strategies to prevent, manage and resolve conflict and build sustainable peace in the country;
- s) Co-ordinate and supervise the work of the Regional and District Peace Councils or Agencies;
- t) Facilitate the implementation of agreements and resolutions reached between parties in conflict;
- u) Make recommendations to the Government and other stake-holders on actions to promote trust and confidence between and among group;
- v) Do anything incidental to the prevention of conflict and the promotion of peace and

w) Perform any other function which is ancillary to the objective of the proposed Commission.

Question(s):

- **Are the functions of the proposed Commission adequate?**
- **Is there any function that has been omitted?**
- **Will you remove any of the above-mentioned functions from the mandate of the Commission?**
- **How do we ensure that the general public understands the mandate of the commission?**
- **How can we ensure that the recommendations of the Commission are implemented?**

G. Independence

40. The independence of the proposed Peace and National Cohesion Commission is key to its success and effectiveness. Nothing must be done to compromise its independence. There must be political will and good faith on the part of the Executive. The President and his cabinet must publicly commit to Sierra Leoneans that he will give the commission ample powers, that he will fully support it politically, morally and with adequate resources, and that he will not interfere with its work. The Executive and Parliament must publicly commit to the financial and functional independence of the commission. Those appointed to work for the proposed Commission must be apolitical and represent the best in Sierra Leone, in terms of moral authority and legitimacy.

Question(s):

- **How can the independence of the proposed Commission be guaranteed?**

H. Composition and Structure

41. For the proposed Commission to be able to deliver on its mandate, it is important to ensure it has the right structure. It must also be able to attract, retain and evolve highly qualified personnel. It is critical for the Commission to have staff with the appropriate and key competencies. The organizational needs of the Commission are diverse. It requires expertise to include cybercrime specialists, cohesion monitors, investigators,

monitoring and evaluation specialists, risk and risk mitigation experts and cluster cohesion coordinators among others.

42. The composition and structure of Commissions in other African countries with similar Commissions could provide a guide for the proposed commission. In Zimbabwe, the *National Peace and Reconciliation Commission* (NPRC) is one of the five Independent Commissions established under Chapter 12 of the Constitution of Zimbabwe Amendment (No. 20) Act 2013 for the purpose of supporting and entrenching a culture of human rights and democracy; protecting the sovereignty and interests of the people; promoting constitutionalism; transparency and accountability in public institutions; securing the observance of democratic values and principles by the State and all institutions and agencies of government as well as ensuring that injustices are remedied as provided for in Section 233 of the Zimbabwean Constitution.
43. Its functions include to prevent, reduce and manage conflict in Zimbabwe; to promote peace and national healing unity and cohesion and enable peaceful resolution of disputes and conflicts among other functions; to ensure post-conflict justice, healing and reconciliation; to develop and implement programmes to promote national healing, unity and cohesion and the peaceful resolution of disputes; to bring about national reconciliation by encouraging people to tell the truth about the past and facilitating the making of amends and the provision of justice; to develop procedures and institutions at a. national level to facilitate dialogue among political parties, communities, organizations and other groups, in order to prevent conflicts and disputes arising, in the future.
44. The *National Peace and Reconciliation Commission* (NPRC) is structured as follows:
 - a) NPRC Members (Commissioners): Under the leadership of the Chair, the Commission is the apex policy body. It oversees the operations of the Commission in accordance with the Act and drawing mandate from the Constitution of Zimbabwe.²
 - b) NPRC Staff (Secretariat): Under the leadership of the Executive Secretary, the Secretariat is mandated to lead the development of annual work plans for effective implementation of the strategy. The Secretariat is the operational arm of the Commission.
 - c) NPRC External Committees: Four external committees - Victim Support, Gender and Diversity; Prevention and Non-Recurrence; Healing and Reconciliation; and Research and Knowledge Management serve as multi-stakeholder platforms for the Commission providing advisory support to the NPRC in accordance to the Act and Regulations.
 - d) NPRC Internal Committees: Three internal committees - Complaints Handling and Investigations; Resource Mobilization and Partnerships; and Finance, Human Resources and Administration Committee play a supportive role to the Secretariat on issues of complaints handling, finance and administration and resource mobilization.

² Section 232 (e) of the Constitution of Zimbabwe 2013. See also part 6.

45. In Kenya, the *National Cohesion and Integration Commission* (NCIC) is a statutory body established under the National Cohesion and Integration Act No.12 of 2008. The establishment of NCIC recognized the need for a national institution to promote national identity and values, mitigate ethno-political competition and ethnically motivated violence, eliminate discrimination on ethnic, racial and religious basis and promote national reconciliation and healing.
46. The vision of the Commission is ‘A peaceful, united, harmonious and integrated Kenyan society.’ Its mission is to develop and sustain processes that alleviate all forms of ethnic discrimination and promote diversity through knowledge. Its key functions include to facilitate and promote equal opportunity, good relations, harmony and peaceful co-existence of persons of different ethnic and racial communities and advice the Government on all matters thereof; eliminate all forms of ethnic or racial discrimination and discourage persons, institutions, political parties and associations from advocating or promoting discrimination; enhance tolerance, understanding and acceptance of diversity in all aspects of national life; promote respect for religious cultural and linguistic diversity in a plural society; plan, supervise, co-ordinate and promote educational and training programs to create public awareness, support and advancement of peace and harmony among ethnic communities and racial groups.
47. The *National Cohesion and Integration Commission* (NCIC) is composed of both the Commissioners and the Secretariat. NCIC Commissioners include the Chairperson and six (6) Commissioners appointed by National Assembly. The Secretariat is composed of the Commission Secretary/Chief Executive Officer, and other members of staff who serve in two broad directorates, namely; Administration and Finance; and Programmes and Technical Services.
48. The *National Peace Council* (NPC) is an independent statutory national peace institution established by the eight hundred and eighteenth (818) Act of the Parliament of the Republic of Ghana, named The National Peace Council Act, 2011. Thus, any activity undertaken by the Council must be derived from its mandate under Act 818. The core function of the Council is to prevent, manage, and resolve conflict and to build sustainable peace. With the passing of Act 818, NPC became operational in 2011. Its establishment abolished the previous peace strategy of National, Regional and District Security Councils that established Regional Peace Advisory Councils (RPACs) and District Peace Advisory Councils (DPACs). The National Peace Council comprises at the national level of a governing body known as the Board of thirteen eminent persons appointed by the President. The appointment is for a period of four years but a Board member may resign or membership may be revoked by the President for stated reasons. There is also an Executive Secretary appointed by the President, responsible for day to day administration of the affairs of the Council.
49. At the regional and district levels, the NPC is comprised of Regional and District Peace Councils appointed by the Board in consultation with the Regional coordinating Council

and the District Assembly respectively. There are also Regional and District Executive Secretaries appointed by the President.

50. To achieve its object, the Council shall harmonize and co-ordinate conflict prevention, management, resolution and build sustainable peace through net-working and co-ordination; strengthen capacities for conflict prevention, management, resolution and sustainable peace in the country including but not limited to chiefs, women, youth groups and community organization; Increase awareness on the use of non-violent strategies to prevent, manage and resolve conflict and build sustainable peace in the country and facilitate the amicable resolution of conflict through mediation and other processes including indigenous mechanisms for conflict resolution and peace building.
51. The *National Peace Council's* vision is to have a country characterized by a dynamic environment where people can engage in their lawful activities confident that the institutions, mechanisms, and capacities for mediating differences and grievance are effective and responsive. It will facilitate the development of mechanisms for cooperation among all relevant stakeholders in peace building in Ghana by promoting cooperative problem solving to conflicts and by institutionalizing the processes of response to conflicts to produce outcomes that lead to conflict transformation, social, political and religious reconciliation and transformative dialogues. The object of the Council is to facilitate and develop mechanisms for conflict prevention, management, resolution and to build sustainable peace in the country.
52. The *National Peace Council (NPC)* in Ghana is created in the same three-tier structure as the government, NSC and traditional authority infrastructure. Each level of the NPC has a board and secretariat. The national board exercises supervisory and coordinating powers over the regional and district levels. The Minister for the Interior, responsible for internal security and overseeing the police, immigration and prison services, is the cabinet minister responsible for NPC matters. He or she serves as a link between the NPC and the NSC and also liaises with the Minister of Finance to ensure that resource requirements of the NPC are provided through its regular budget and the peace fund. The NPC is expected to meet at least quarterly and may establish sub-committees and recruit short-term consultants and advisers. According to the law, each of the boards of the NPC (at the national, regional and district levels) is composed of 13 members. Members are expected to be Ghanaians of high moral standing and professional integrity, drawn from diverse sectors or society. The following organized groups and institutions are identified by the law to provide representatives:

Representation	Nominated By
Christian bodies (one representative from each)	Catholic Bishops Conference Christian Council Ghana Pentecostal Council National Council for Christians and Charismatic churches
Muslim bodies (one representative from	Ahmadiyya Muslim Mission

each)	Al-Sunnah Muslims Tijaaniya Muslim Groups
Traditional	African Traditional Religions (one representative) The traditional authorities, i.e. the National House of Chiefs (one representative)
Four representatives	The President of the Republic (2 nominees), one of which must be female Other identifiable groups, including private sector and professionals (2 nominees)

53. The President of the Republic appoints the members of the National Board on the recommendation of the Minister for the Interior. However, the chairman is selected by the members of the Board from amongst their group. Appointment of regional board members follows the same representational pattern as the national level, but the appointing authority is the National Board in consultation with the regional government (the Regional Coordinating Council, headed by the regional minister).
54. Similarly, at the district level, the National Board appoints members in consultation with the district assembly. The law stipulates that the boards are to function independent of any undue influence or interference. Each board member is elected for a renewable four-year term. Between the first National Board and the current one, only two individuals have had their mandates renewed. At the national level, the peace-building support unit in the Ministry of Interior serves as liaison between the ministry and government, helps mobilize government support for NPC activities and manages the government's early warning mechanism. This mechanism creates a synergy between efforts of the NSC, the NPC and the sub-regional ECOWAS early warning system.³
55. Experience from Ghana's NPC shows that it has been fairly successful in preventing or tackling complex conflicts. Even before it was officially inaugurated, the NPC was credited with preventing or containing conflicts during the 2008 elections and earned a reputation as a credible non-partisan institution.⁴ The NPC's influence has extended to the regions where the regional peace advisory councils have been able to identify and mediate local conflicts early and so contain their escalation. These councils have thus become important early warning mechanisms in Ghana.
56. The Bawku conflict, a matter fought up to the Supreme Court without a resolution to the crisis, is a deep seated and longstanding ethno-political conflict between two ethnic

³ William A. Awinador-Kanyirige, Ghana's National Peace Council, Global Center for the Responsibility to Protect, Policy Brief August 2014.

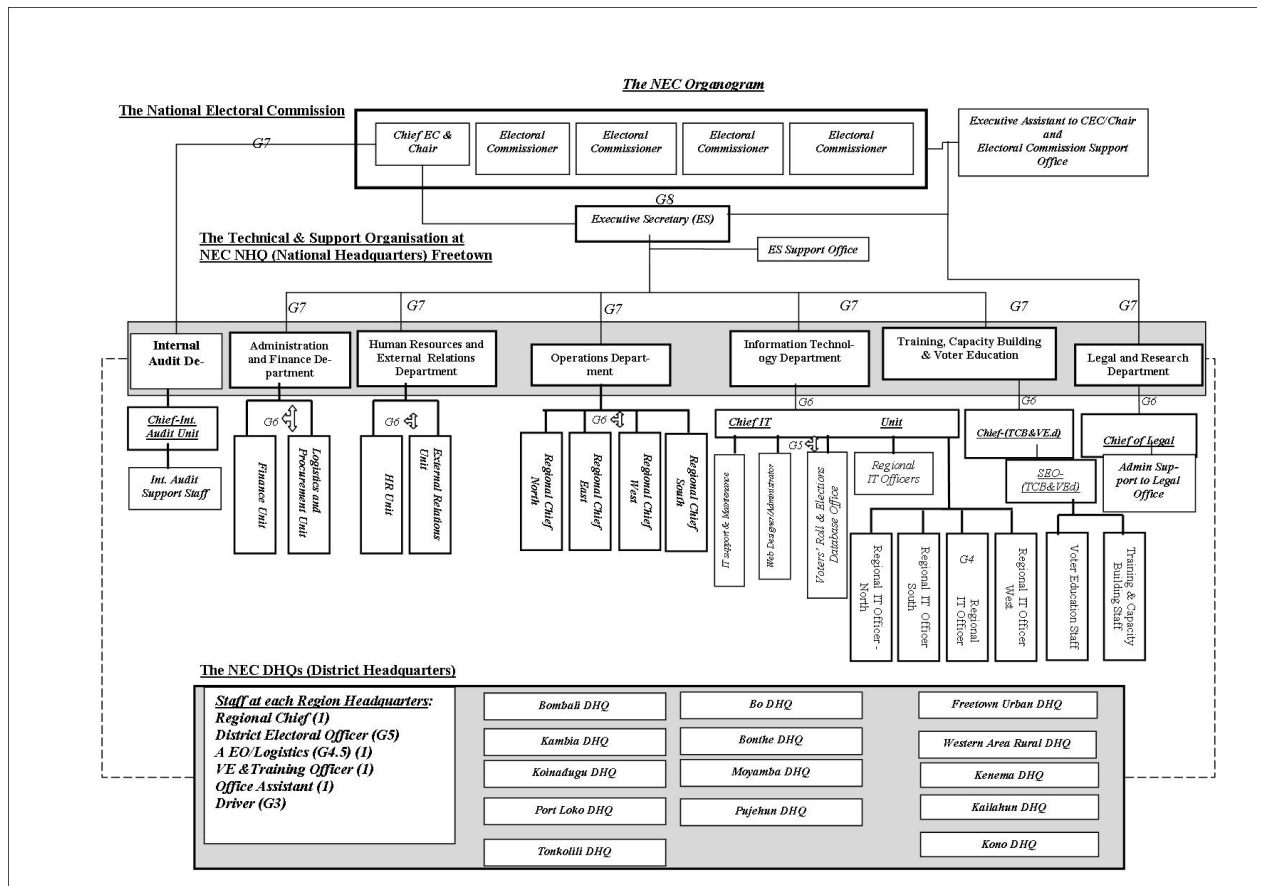
⁴ United Nations Development Programme "Assessment of development results: Ghana" (2011, UNDP).

groups: the Kusasis and Mamprusis in the Bawku traditional area of Ghana.⁵ In that conflict, the council intervened, drew up a roadmap to peace, and embarked on educating various ethnic groups on ways the conflict could be resolved. Generally, the NPC plays a significant role in supporting district and regional security councils on conflict prevention, management and resolution.

57. The structure of the three peace bodies mentioned above needs to be reviewed in adopting a structure that works for Sierra Leone. It is also important to examine the organograms of existing Commissions in Sierra Leone. The Human Rights Commission of Sierra Leone has Commissioner from each of the major areas of Sierra Leone, one of whom is appointed chair. It has an Executive Secretary and several departments. The Commission set up District Human Rights Committees (DHRCs) to extend its reach and visibility throughout the country. The Commission remains inextricably linked and reliant on the DHRCs for information on human rights issues from areas where the Commission does not have a physical presence.⁶
58. The National Electoral Commission of Sierra Leone also has a similar structure as can be seen from their organogram below

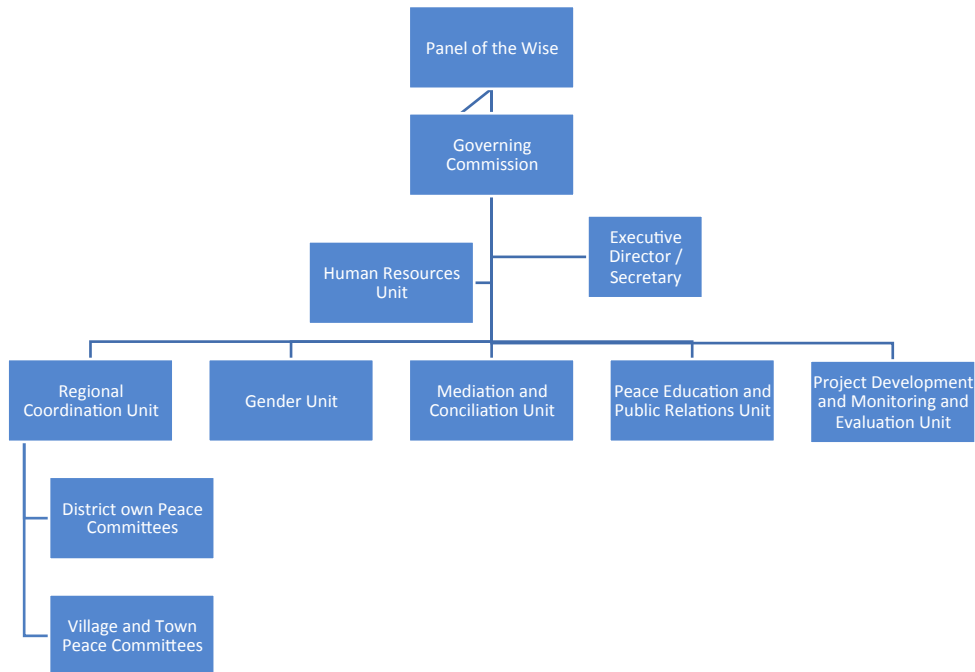
⁵ BK Noagah "The peace process in the Bakwu conflict in Ghana: Challenges and prospects" (2013) 12/2 Conflict & Communication 1 at 2.

⁶ http://www.sl.undp.org/content/sierraleone/en/home/operations/projects/democratic_governance/support-to-human-rights-commission-of-sierra-leone.html



59. A key feature for the proposed Peace and National Cohesion Commission is that it should be decentralized. It is important to ensure that the Commission is a truly national one. Section 20. (1) of the Human Right Commission of Sierra Leone Act provides that: *“The Commission shall, when funds become available therefor, establish offices in each provincial headquarters, headed by senior officials of the Commission designated by the Executive Secretary for the purpose. (2) It shall be the responsibility of each provincial office to gather information on the human rights situation in the province, accept and process complaints for the consideration of the Commission and undertake, in collaboration with other interested parties, the human rights promotion activities in the province. (3) One member of the Commission shall be charged with responsibility for coordinating the work of the provincial offices and shall, after consultation with the heads of the provincial offices and the Executive Secretary, ensure effective coordination between the provincial offices and the national headquarters.”* The proposed peace commission should have a similar provision and it must ensure that it is fully implemented.

60. The proposed Commission should have a lean and efficient governance structure. A proposed structure of the peace commission may be as follows:



61. The proposed Commission must have regional peace agencies in each district and this must cascade further down to peace committees in each village. Coordination will be crucial and the role of the traditional leaders extremely vital.

Question(s):

- **What are your thoughts on the composition and structure of the proposed Commission?**
- **What measures will you propose to further ensure that the proposed Commission is truly decentralized?**

I. Qualification of Commissioners

62. In Kenya, the National Cohesion and Integration Act 2008 provides that a person shall be qualified for appointment as a commissioner if such person— (a) is a citizen of Kenya; (b) is a person of high moral character and proven integrity; and (c) has knowledge and experience in matters relating to race, ethnic and human relations, public affairs, and human rights.

63. It further provides that no person shall be qualified for appointment as a commissioner if such person— (a) is a member of the National Assembly; (b) is a member of a local authority; (c) is a member of the executive body of, or is actively involved in the affairs of, a political party; (d) has promoted sectoral, ethnic, racial or religious animosity or openly advocated for partisan ethnic positions or interests.

64. As regards the procedure for appointing commissioners, eight commissioners nominated by the National Assembly in accordance with the First Schedule and appointed by the President. One of the eight commissioners is appointed Chairperson appointed by the President. The commissioners shall, at their first meeting, elect a vice-chairperson from amongst the commissioners appointed under subsection (2) (b). In appointing members to the Commission, the principle of gender equity shall apply
65. As regards the procedure for nominating commissioners, the Clerk of the National Assembly shall by advertisement in the Gazette and in at least three daily newspapers of national circulation, invite applications from persons qualified under this Act for nomination as commissioners. An application shall be forwarded to the Clerk within twenty-one days of the advertisement and may be made by any—(a) qualified person; or (b) any person, organization or group of persons proposing the nomination of any qualified person.
66. The relevant Parliamentary Committee in consultation with the Minister shall, within seven days (a) consider all the applications received and (b) recommend to the National Assembly suitably qualified persons for nomination as commissioners. The Committee shall rank and provide comments regarding each of the finalists to the National Assembly.
67. The National Assembly shall, upon receipt of the recommendations of the Committee, nominate fifteen persons for appointment as commissioners and shall submit the list of nominees to the Minister for onward transmission to the President. The Minister shall forthwith forward the names of the persons nominated to the President who shall, by notice in the Gazette, appoint therefrom eight commissioners. In nominating or appointing persons as commissioners, the National Assembly and the President shall have regard to gender equity and regional balance.
68. The second schedule to the Truth and Reconciliation Commission Act provides as follows: to best ensure the Commission's independence and credibility, the members of the Commission shall be selected through a consultative process relying on both national and international expertise as follows: (a) The four national members of the Commission shall be selected as follows:- (i) Nominations, which may be put forward by anyone within or outside Sierra Leone, should be submitted to the United Nations Special Representative of the Secretary-General in Sierra Leone, who will serve as Selection Coordinator. (ii) With the assistance of an advisory committee, and after broad consultation with a cross-section of Sierra Leonean society and with the United Nations High Commissioner for Human Rights, the Selection Coordinator shall draw up a list of 10 to 20 finalists.
69. The advisory committee shall include a representative of the National Council of Paramount Chiefs, a representative of the Inter-Religious Council, and a member of the international community based in Sierra Leone, and perhaps others, at the discretion of the Selection Coordinator. (iii) Each of the finalists will be interviewed by a Selection

Panel of six persons, composed of one member appointed by each of the following: - the President, the Revolutionary United Front, the erstwhile Armed Forces Revolutionary Council, the Inter-religious Council, the National Forum for Human Rights and the National Commission for Democracy and Human Rights (or the Human Rights Commission, as set out in the Lomé Peace Agreement, if such a Commission has been inaugurated). (iv) The Selection Panel shall then rank and provide comments regarding each of the finalists to the Selection Coordinator on a confidential basis. Where possible, the Selection Panel should submit consensus views on finalists, though rankings and comments may be submitted individually by each panelist if views differ. In addition, the Selection Panel should suggest a possible Chair for the Commission, especially if consensus can be reached on such recommendation. The Selection Coordinator shall assist the Selection Panel as needed and may establish a deadline for its submission.

70. The Human Rights Commission Act stipulates the procedure for the appoint of Commissioners. The President, through the Attorney-General and Minister of Justice, shall invite nominations from the public. The list of nominees shall go through a selection panel comprising one representative from the Government and each of the following umbrella organizations;
 - a. Inter-Religious Council;
 - b. National Forum for Human Rights;
 - c. Civil Society Movement;
 - d. Council of Paramount Chiefs;
 - e. Sierra Leone Women's Forum; and
 - f. Sierra Leone Labour Congress.
71. The selection panel shall include at least two women. Each member of the selection panel shall short-list one candidate. The name of the 7 short-listed candidates shall be published in the Gazette and two weeks later, the selection panel shall invite the President to appoint 5 of the short-listed candidates for approval by Parliament.
72. In selecting persons for appointment by the President, the selection panel shall give consideration to equitable gender and regional representation. At least two members of the Commission should be women. Members of the Commission must be people well-versed in the rights contained in Chapter III of the Constitution of Sierra Leone and familiar with international instruments relating to human rights. At least two of the members must be lawyers.
73. Once the five members of the Commission appointed by the President have been approved by Parliament their names shall be published in the Gazette. Upon the appointment of the members of the Commission they shall assemble to elect by simple majority from among themselves a Chairman and Vice-Chairman.
74. As regards the proposed peace and national cohesion commission, it must have of geographic and institutional balance. The commissioners must be geographically based and must live and be based in the regions and not in Freetown. They must work full time

for the Commission. The Human Rights Commission of Sierra Leone Act provides in the schedule that *‘In selecting persons for appointment by the President, the selection panel shall give consideration to equitable gender and regional representation. At least two members of the Commission should be women.’*

75. The panel of the wise should include traditional leaders, women and youth group, religious leaders and the private sector.
76. The commissioners and the executive secretary must be chosen for their integrity and their knowledge and understanding of, and experience in, mediation, conciliation, conflict prevention and management, post-conflict reconciliation or peace building. Additionally, they must possess unquestionable commitment to, and leadership in, the cause of peace, justice and post-conflict reconciliation. They must have no history of association with events or organizations whose activities might be the subject of investigation. The nominated commissioners should not be selected secretly and announced suddenly without any public consultation. Their selection must be subjected to scrutiny and public discussion. The whole selection process up to the appointment of the commissioners should be consultative. The selection process should be public and transparent and strike the balance between inclusiveness and expeditiousness.

Question(s):

- **Is the proposed formula of having one commissioner for each region and a panel of the wise comprising of eminent Sierra Leoneans including women, youths, traditional leaders, the private sector ideal?**
- **How can we ensure that the recruitment and appointment process is transparent?**

J. Tenure

77. In Kenya, the Chairperson and the Commissioners shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.
78. The Chairperson or a Commissioner may be removed from office by the President—(a) for misbehaviour or misconduct; or (b) if convicted of an offence involving moral turpitude but shall not be removed except in accordance with the Act.
79. It provides that a person who wishes to have a commissioner removed from office may apply for removal of the Commissioner to the President through the Minister, and such application shall be copied to the Chairperson. Where the application for removal from office is the Chairperson, the application shall be made to the Minister and copied to the vice-chairperson.

80. The Minister shall, within seven days of receipt of an application, forward the application to the relevant Parliamentary Committee, and the Committee shall inquire into the matter and report on the facts to the President through the Minister, giving its recommendations as to whether or not the Chairperson or the Commissioner ought to be removed from office, and the Minister shall communicate the recommendations of the Committee to the President. Where the question of removing the Chairperson or a Commissioner has been referred to the relevant Parliamentary Committee, the President may suspend the Chairperson or the Commissioner concerned, and the suspension may at any time be lifted by the President and shall, in any case, cease to have effect if the Parliamentary Committee recommends that the Chairperson or the commissioner, as the case may be, should be removed. A commissioner shall be removed from office if two thirds of the members of the National Assembly vote to remove the member, on the recommendation of the Parliamentary Committee. A similar provision may be adopted for the removal of Commissioners of the proposed Peace and National Cohesion Commission.

Question(s):

- **What should be the tenure of the Commissioners, three or five years?**
- **Should the Commissioner and the Executive Secretary have security of tenure?**

K. Privileges and Immunities

81. No matter or thing done by a member of the Commission or any officer, employee or agent of the Commission shall, if the matter or thing is done in good faith whilst executing the functions, powers or duties of the Commission, render the member, officer, employee or agent personally liable to any action, claim or demand whatsoever.

82. The proposed Commission and its Commissioners should be shielded from both criminal and civil liability in the execution of their duties. In particular, the Commission and its Commissioners, as well as the staff, should enjoy immunity from defamation and libel suits with respect to their work. Such immunity shall extend to all the witnesses.

L. Other Commissions with Peace Related Mandate

83. Sierra Leone has a plethora of commissions. One challenge about setting up the Commission is that it will have overlapping mandate with a number of other commissions, government agencies and institutions. Some of these institutions are as follows:

84. The *National Commission for Democracy* (NCD) established in 1994 with the primary mandate of facilitating the strengthening of democracy in Sierra Leone. This includes responsibility to create the enabling environment where the citizenry will be properly educated on democratic good governance; thus, producing well informed people; create

and sustain within society public awareness of the principles and objectives of the Constitution of Sierra Leone; educate and encourage the public to defend the Constitution at all times against all forms of abuse and violation; formulate for the consideration of Government, when necessary, programs at the National, Regional and District levels aimed at realizing the objectives of the Constitution; formulate, implement and oversee programs intended to inculcate in the citizens of Sierra Leone an awareness of their civic responsibilities and an appreciation of their rights and obligations as a free people; Assess for the attention of government, the limitations to the attainment of true democracy as a result of the existing inequalities in the population and make recommendations for redressing the inequalities; develop and disseminate programs geared toward the cultivation of a sense of nationalism, patriotism and loyalty to the State in every citizen and promoting the citizenry to render assistance to appropriate and lawful agencies in the maintenance of law and order in the country.

85. Much of the core functions of the Commission overlaps with the Commission of the proposed Peace Commission. However, the NCD has been very dormant and has not able to play the role it was set up to play. In a report issued after a function review of the NCD, the Public Sector Reform Unit (PSRU) noted that *'(R)estructuring of the National Commission for Democracy is long overdue, considering it was created over seventeen years ago, during a period of military rule in 1994. At the time of its establishment, very little was done to ensure that the Commission had an effective structure and systems.'* The report further notes *'the Commission lacks technical programme staff to develop, implement and monitor activities; a number of staff are on secondment from the Civil Service; financial support from Government is far short of what the Commission needs for implementation of its activities, and the lack of sustainable funding source for the Commission's work is posing serious threat to its sustainability; salary levels for staff are lower than those of similar Commissions; and offices lack essential tools and equipment. All of these constraints have reduced the output of the Commission.'* The primary recommendation is that Government of Sierra Leone and donor partners must support a comprehensive restructuring and transformation of the Commission. The setting up on the proposed peace commission provides a tremendous opportunity to merge the functions of the NCD into the mandate of the proposed commission and to ensure it is a more robust and effective body.
86. The *Human Rights Commission of Sierra Leone (HRCSL)* was established by an Act No 9 of Parliament in 2004 in accordance with the recommendation by the Lomé Peace Accord 1999 and following an observation and an imperative recommendation by the TRC. It commenced operations in December 2006. Its statutory mandate is to protect and promote human rights and to advise Government on draft legislation that may affect human rights. Its functions include reviewing existing legislation and advising the Government on compliance with such legislation and with international treaty obligations.
87. The HRCSL's vision of *"A Sierra Leone where a culture of human rights prevails and the people respect the rule of law and live in peace and dignity"* sets the context in which the HRC-SL undertakes its functions. These functions include to investigate or inquire

into on its own or on complaint by any person any allegations of human rights violations and to report thereon in writing; promote respect for human rights, through public awareness and education programmes aimed at creating a culture of human rights in Sierra Leone; providing human rights information, including locating within the Commission a national human rights resource and documentation center; publishing guidelines, manuals and other materials explaining the obligations of public officials in the protection of human rights.

88. The concepts of human rights and peace are increasingly linked. Many of the conflicts in Sierra Leone can be linked to real or perceived gross violations of human rights. The proposed peace commission will be required to work closely with the HRCSL especially in the area of civic education.
89. *National Council for Civic Education and Development (NaCCED)* Civic Education has as its main task of cultivating responsible citizenship. According to the new Chair of the Council, *'The idea behind the NaCCED programme is to promote the demand for good governance (i.e. an informed and engaged public), so as to complement to efforts to improve the practice of good governance. The goal of NaCCED is to address a wide variety of political and governance issues (e.g. corruptions, civic apathy, void votes etc.) as well as important social issues (e.g. domestic violence, drug abuse, 'gangsterism', health, environment etc.). Our role is to help citizens understand the importance of citizenship in the society. We also have the responsibility of explaining the structure, functions and responsibilities of government to the people. We also want citizens to understand their rights, duties and obligations to government and the state. Our job is to get citizens to appreciate democratic values and to strive to uphold them. Most important, citizens must also be aware of the emerging issues challenging their society. So we will be engaging on national ethics, rights, discipline and obligations. Our purview will be stuff like values; how important are they to society. We will engage on citizenship and nationalism; what's up with that, what's the meaning of citizenship education, what's the goal of citizenship education, how can we promote national consciousness, integrity and unity in our nation, what are the nationalistic roles of individuals and groups, what are the issues challenging our nation and world, and how do we deal with them.'* Civic education is extremely vital in cultivating and building peace. The proposed peace Commission will need to work closely with the NaCCED.
90. *National Commission for Social Action (NaCSA)* started in 1996 as a Government Ministry known as the Ministry of National Reconstruction, Resettlement and Rehabilitation (MNRRR) with a broad mandate to respond to the immediate humanitarian crisis that emanated from the civil war and to handle the disarmament, demobilization and reintegration of ex-combatants. The Ministry however could not cope with the level of urgency required for delivering such services within the prevailing context because of the bureaucratic procedures typical of government ministries. By Act no 13 of 2001, it was converted into a commission, as a semi-autonomous government agency which augments the work of social sector Ministries and Agencies and local authorities in delivering social services to deprived and remote communities across the country.

91. The vision of the Commission is to operate as a viable and exemplary institution for efficient and effective pro-poor service delivery and good project governance which ensures meaningful engagement and personalization of the benefits of development by citizens especially vulnerable groups, as well as inspire the trust and confidence of other stakeholders in the country's development endeavors and its mission is to promote community-based, demand-driven and sustainable social and economic activities leading to the alleviation of poverty, reduction in the threat of renewed conflict and improvement in the speed, quality and impact of development initiatives, while also providing social protection to vulnerable groups, in collaboration with other stakeholders in the country's development endeavours. It manages the reparations programme recommended by the TRC and geared towards providing social justice and rehabilitating victims of the Sierra Leone conflict.
92. The *National Youth Commission* established by Act No. 11 of 2009 with a mandate to empower the youth to develop their potential, creativity and skills for national development and for other related matters. The object for which the Commission is established is to implement policies, and projects which will empower the youth to develop their potential for national development. Its functions include to assist in the creation of employment opportunities for the youth and develop medium and long-term strategies to tackle youth unemployment in Sierra Leone; initiate youth development programmes in collaboration with relevant governmental and non-governmental bodies, coordinate and monitor the programmes; develop a comprehensive national youth development plan consistent with national poverty reduction strategies; collaborate with other governmental or non-governmental bodies in the provision of youth skills training programmes and schemes; provide a focal point for addressing drug abuse by the youth and its related problems and create a reliable and efficient network by which the youth may access valuable information on beneficial services and incentive-driven amenities provided by governmental and non-governmental bodies.
93. The *Political Parties Registration Commission Act* No3 of 2002 gives the Commission the mandate to register and supervise the conduct of political parties in accordance with the 1991 Constitution and the Political Parties Act of 2002; monitor the affairs or conduct of political parties to ensure compliance with the constitution of Sierra Leone, the Political Parties Act, and the terms and conditions of their registration; monitor the accountability of political parties to their membership and to the electorate of Sierra Leone; promote political pluralism and spirit of constitutionalism among political parties; when approached by persons or parties concerned, to mediate any conflict or disputes between or among the leadership of any political party or between or among political parties and to do all such things as will contribute to the attainment of good conduct of political parties.
94. The *National Electoral Commission* (NEC) is the sole authority with the constitutional mandate (under Section 33 of the 1991 Constitution of Sierra Leone, Act No. 6 of 1991, and Section 28 of the Chieftaincy Act, 2009) to prepare and conduct all public elections and referenda. The vision of the National Electoral Commission of Sierra Leone (NEC-

SL) is that of an independent, credible and well-resourced institution which promotes democracy and good governance by continually administering credible elections that meet international standards and best practices.

95. The former Vice-President of ECOWAS Commission Dr. Toga Gaywea McIntosh on several occasions pointed out *“as the principal arbiters in electoral processes, EMBs can decide the fate of a nation between war and peace.”* According to him, *“electoral disputes, often provoked by the refusal of losing candidates to accept the verdict of the ballot box or poor management of electoral processes, constitutes one of the key triggers to the cycle of instability that the region has witnessed over the last two decades.”* The proposed peace commission will need to work very closely with the PPRC and NEC in the execution of its mandate.
96. The *Sierra Leone National Commission on Small Arms* was established by an Act of Parliament in 2010 to Control the proliferation, illicit possession and use of Small Arms and Light Weapons in Sierra Leone. The Commission was established in compliance with Article 24 of the ECOWAS convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials. It is an independent and apolitical body with the mandate to regulate and supervise the manufacture, sale, transfer, possession and use of Small Arms and Light Weapons within the borders of Sierra Leone. The Commission is the sole focal point for all matters relating to firearms and the adviser to the Government of Sierra Leone on the formulation of policies and strategies for control of the illicit proliferation and circulation of small arms in Sierra Leone.
97. The proposed peace commission will need to work closely with several other institutions including the Sierra Leone Police, the Judiciary and the Office of National Security all of whose mandate touch upon and concern peace and maintenance of law and order.
98. The Commission must work closely with other key stakeholders including government agencies, civil society organizations, faith-based organizations and traditional leaders in order to leverage comparative advantages, ensure coordination of partnerships and share lessons that can enrich the delivery of their mandate.
99. There is a need for an immediacy of inter-agency cooperation across various government departments and the synergy that such partnerships can create in facilitating the mainstreaming of cohesion and integration in socio-economic sectors. The Commission will need to build an inter-agency platform and develop a strategic framework that can guide the working relationship between and across departments and agencies in ascertaining the status of cohesion. The presence of a weak inter-agency framework that does not fully support growth of cohesion and integration schemes will blunt the impact of Commission’s work.
100. It also requires relationships with other public institutions, civil society organizations, media and development partners, among others. In this regard, the Commission should endeavour to establish formalized, strategic and guided partnerships that factor in the role of the media, civil society, donor agencies and private sector in

scaling up the effectiveness of the Commission's work. It must create an appropriate environment that invites citizens of all walks of life to participate in the national building, require deliberate symbiotic partnerships that must remain a pillar to reconciliation, integration and cohesion in the country. The Commission must actively collaborate with a wide array of stakeholder institutions. Partners include the National Small Arms Commission, the National Council for Civic Education, the Human Rights Commission, Political Parties Registration Commission, the Electoral Commission, Office of National Security (ONS) and the Sierra Leone Police.

Question(s):

- **Is there any other institution or body that the proposed peace commission will have an overlapping mandate with?**
- **How does that institution of body's mandate overlap with the proposed commission?**

M. Local Ownership

101. The importance of local ownership, local values and local practices. in matters of post-conflict peacebuilding has become an increasingly common trope. It is a well-known fact that community development projects can only be successful if the beneficiaries 'own' the project. Like development projects, beneficiaries of peace initiatives must be seen in the same light, otherwise the local communities may perceive it as a foreign programme to which they have no connection.

102. A number of international institutions and NGOs have a tendency to monopolize conflict resolution processes, either directly or indirectly. These actions may undermine local efforts. Monopolizing the peace initiative this way takes away from the creativity and positive involvement of the local communities, thus limiting the chances of lasting peace even after the mediators have left. While peace initiatives are imposed from the outside, it is now acknowledged that the United Nations (UN) must better support "local ownership" especially in post-conflict contexts.

103. The proposed Commission must be sensitive to the social, economic, psychological and political environment. The Commission's programmes must also be locally owned and their design embrace a bottom-up approach to implementation. This bottom-up approach will be employed to ensure that communities and victims assist in designing strategies to bring peace, healing and reconciliation.

Question(s): How can we ensure that the peace commission is locally owned?

N. The Role of Women

104. The involvement of women is instrumental not only for gaining insights into the root causes of the conflict, but also for creating a viable framework through which traditional and local strategies can be made to impact on the peace process. Women in the African setting play major roles in the economy, and their marginalization may hinder the process of development. Promoting their participation in all spheres of life is indeed, as Kofi Annan, the former UN Secretary General observed, *"a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance. Awareness of this truth is not new to the age we live in: nor is it limited to any one culture. In the twelfth century, the African philosopher Ibn Rushd summed up, "A society that enslaves women is a society doomed to decay."*⁷
105. Sierra Leone provides a stark illustration of how women, despite being central to the independence movements, became 'invisible' in the nationalist development discourses in the post-independence period. When women become invisible, so does culture and tradition.
106. In 1994, a group of women created the Sierra Leonean Association of University Women (SLAUW), which promoted networking, regular meetings, information-sharing, and collective actions on common concerns. Drained by the civil conflict racking their country, women soon decided to take action for peace and established the Sierra Leone Women's Movement for Peace (SLWMP). Believing that the intermittent military governments were leading the country downward, SLWMP resolved to initiate a strategy of direct intervention in politics. Arguing that women are natural peacemakers and should play a key role in resolving the conflict, they headed peaceful marches, campaigns of appeal to the government and rebels, prayer rallies, and institutional meetings with national and international representatives calling for the end of the hostilities and for the negotiation of a peace settlement.
107. In 1995, at the National Consultative Conference (Bintumani I), SLWMP pressed for the immediate organization of democratic elections as a preliminary step towards conflict resolution and the inclusion of 50 percent women in any peace negotiation delegation. They urged presidential candidates to address critical women's issues, such as poverty, health care, illiteracy, and discriminatory legal regimes with respect to property, marriage, and inheritance. However, a new outbreak of violence impeded the normal course of the elections. After a second National Consultative Conference (Bintumani II), the presidential elections finally took place in 1996, conferring the power to Ahmad Kabbah.
108. Nevertheless, when the Abidjan Peace Accord was signed in November 1996, women's requests were grossly neglected. As one reflected, "[m]en from both sides of the conflict were not willing to include women in a meaningful way as they realized it would mean relinquishing some power." Their exclusion from the negotiation tables, as well as

⁷ SECRETARY-GENERAL SAYS WOMEN'S WISDOM, ENERGIES, CREATIVITY MUST BE HARNESSSED TO BUILD NEW AFRICA Press Release SG/SM/6544 REC/27 <https://www.un.org/press/en/1998/19980430.SGSM6544.html>

the failure of the peace accord, eroded SLWMP's motivation and thwarted their hope for change.

109. Similarly, the 1999 Lomé Peace Accord frustrated SLWMP's expectations. The document, in fact, included only one general provision on women, setting forth that, since they had been particularly victimized during the war, special attention should have been accorded to their needs and potentials in formulating and implementing national rehabilitation, reconstruction and development programmes, to enable them to play a central role in the moral, social and physical reconstruction of Sierra Leone.
110. In contrast, more consideration was accorded to women by the United Nations Mission in Sierra Leone, which had been established by the Security Council in 1999 to cooperate with the government and the other parties in the implementation of the Lomé Peace Accord and assist in the disarmament, demobilization, and reintegration plan. At the nation-wide march and rally for peace, organized in 2001 by the peacekeeping mission in cooperation with civil society organizations, the spokesperson for the Special Representative of the Secretary-General declared: *We of the United Nations believe that women are a very strong force for peace, because women have the ability to come together in their numbers, to work towards a common goal . . . [Women are] also the ones who bring the children up, and who can instill in children values of peace, tolerance and cooperation. So for us women are very, very important in building peace.*
111. Still, as further recalled by the terms of the United Nations Resolution 1370 of 2001 on the situation in Sierra Leone, the Security Council acknowledged the positive impact of the progress made in the Sierra Leone peace process by a regional approach, and, in this regard, "*encourage[d] the efforts of the Mano River Union Women's Peace Network towards regional peace.*"
112. The regional women's peace movement MARWOPNET succeeded in only one of its two main objectives. In persuading the governments of Liberia, Sierra Leone, and Guinea to organize a presidential summit and to address the conflict on a larger scale, it contributed to determining an effective strategy for the end of the hostilities and the signing of ceasefire agreements. On the other hand, having been excluded from the peace negotiation tables and the terms of the peace accords, MARWOPNET completely failed to advance women's political agenda regarding their representation at decision tables and its social agenda of formulating adequate responses to poverty, health care, illiteracy, and discrimination. In any event, the MARWOPNET experience has demonstrated women's ability to persuade, mediate, and publicize their efforts within and beyond national borders.
113. Liberian and Sierra Leonean women's struggle for peace can also serve as a lesson. Women are agents of peace. With the new peace commission, their efforts and goals are must not be overlooked. They must not remain relegated to the private realm and their traditional role as preservers of community morals.

Question(s):

- **How can we ensure that women and youths play a pivotal role in the proposed peace and national cohesion commission?**

O. The Role of Local Communities and Traditional Mechanisms

114. Local communities are an important constituency to consider while formulating strategies for peace and security. The primacy of local communities rests with their ability to foment long term societal peace. Efforts for peace by communities at the grassroots continue to be essential. Peacemaking should not be relegated solely to the political leaders. Traditional institutions could provide a stable system of conflict management because they operate on the bases of commonly acceptable standards.
115. Local communities are often excluded from the mainstream decision-making process because the indigenous systems which define their world view are never accommodated by the centers of power. And yet, when differences arise at the centers, the elite revert to the local communities and invoke ethnic sentiments attached to the indigenous systems to fan hatred for other groups. The conflict becomes intractable because sentiments deeply rooted in traditional institutions are hard to erase. Conflict resolution strategists must rely on the same traditional systems to foster understandings and accommodation. This will eventually define a closer relationship between the center and its periphery. The bottom up approach to conflict resolution emphasizes the need to involve local communities and grass root organizations in peace seeking initiatives.
116. Sierra Leone has a rich reservoir of cultural and traditional systems. The position of Chiefs in many parts of the rural areas remains pivotal. They are still considered paragons of wisdom and command respect from the entire membership of the community and beyond. In terms of conflict resolution, they are a great repository of firsthand information on the historical aspects of the conflict, its cultural ramifications, and the actors involved. They can inspire confidence in a cause of action that seeks to bring peace. Against a backdrop and an enduring call to empower local peace makers and encourage ownership of peace initiatives, the institution of Chiefs can make a powerful intervention.

Question(s):

- **What should be the role of chiefs and traditional leaders in the proposed commission?**
- **How should the situation of ethnic groups that do not have traditional leaders be addressed?**

P. Role of CSOs

117. Civil society organizations (CSOs) play an increasingly important role in peacebuilding processes. There is an overall trend to implement participatory mechanisms for civil society organizations, which is best illustrated by the fact that today most international governmental organizations reach out to civil society organizations and integrate them in their policymaking.
118. Parties in a conflict often see CSOs as neutral and trustworthy compared to the government. This gives civil society a unique role to assist communities at various levels to build trust through dialogue because in many situations, governments and politicians are not trusted by the communities. This trust gives CSOs the advantage over state institutions to achieve the successful resolution of conflicts. Using CSOs and local NGOs in mediation is normally the best solution to effective conflict resolution. CSOs are able to set up early warning systems and get to the underlying issues of the conflict. In addition, the grassroots approach to conflict resolution and peacebuilding by the CSOs encourages conflicting parties to freely participate and to identify their needs and interest in the conflict
119. Civil society organizations are crucial for the successful preparation, establishment, and implementation of international political decisions and measures. One central role of CSOs is to provide factual knowledge: their continuous work on the grassroots level provides CSOs with unparalleled expertise and unique knowledge of local circumstances that policies seek to impact.
120. Moreover, through their local networks CSOs are essential actors in the outreach to and involvement of local communities. Thus, CSOs make a fundamental contribution to good practice and good outcomes.
121. CSO involvement is supposed to create the basis for more informed and more effective politics, promising greater overall success of political measures. However, this practical role of CSOs is far from their only contribution. Civil society has also come into focus as a powerful agent for the democratization and peacebuilding.
122. CSOs can help with advocacy messages and campaigns should be clearly defined message and targets, help build capacity, target critical actors including religious and traditional leaders, women and youth groups, and other interest groups, etc. with specific training needs in awareness education, and shadow reporting; conduct research and document cases;

Question(s):

- **How can government create an enabling environment for civil society organizations to operate smoothly in their quest to resolve conflicts and to promote peace?**

- **How can the media contribute to civic education and citizen mobilization in the mission of the proposed commission?**

Q. CALL FOR VIEWS

To help shape this Green Paper and ensure that the proposals we put forward reflect the experience and expertise of all those involved, we are launching a Call for Views which will run from 7 January 2019 to 30 January 2019. The questions we will pose are as follows:

1. Are the functions of the proposed Commission adequate?
2. Is there any function that has been omitted?
3. Will you remove any of the above-mentioned functions from the mandate of the Commission?
4. How do we ensure that the general public understands the mandate of the commission?
5. How can we ensure that the recommendations of the Commission are implemented?
6. How can the independence of the proposed Commission be guaranteed?
7. What are your thoughts on the composition and structure of the proposed Commission?
8. What measures will you propose to further ensure that the proposed Commission is truly decentralized?

9. Is the proposed formula of having one commissioner for each region and a panel of the wise comprising of eminent Sierra Leoneans including women, youths, traditional leaders, the private sector ideal?
10. How can we ensure that the recruitment and appointment process is transparent?
11. What should be the tenure of the Commissioners, three or five years?
12. Should the Commissioners and the Executive Secretary have security of tenure?
13. Is there any other institution or body that the proposed peace commission will have an overlapping mandate with?
14. How does that institution of body's mandate overlap with the proposed commission?
15. How can we ensure that the peace commission is locally owned?
16. How can we ensure that women and youths play a pivotal role in the proposed peace and national cohesion commission?
17. What should be the role of chiefs and traditional leaders in the proposed commission?
18. How should the situation of ethnic groups that do not have traditional leaders be addressed?
19. How can we ensure that the proposed commission is adequately funded?
20. How can government create an enabling environment for civil society organizations to operate smoothly in their quest to resolve conflicts and to promote peace?

21. How can the media contribute to civic education and citizen mobilization in the mission of the proposed commission?

22. What will be the relationship between the proposed Commission and the Courts? Questions of subject matter jurisdiction, cross competencies with other adjudicative bodies, including criminal jurisdiction of magistrate courts, local/customary courts etc. How can the respective mandate be properly defined and delineated to minimize overlap and conflict?

Appendix 1 – History of Conflict in Sierra Leone

Sierra Leone as a political unit is a relatively recent creation. A British colony was declared over the tiny peninsula area where the capital, Freetown, is situated, and which now constitutes the Western Area, in 1808. The rest of the country, however, was added only in 1896, and even that in a rather perfunctory manner. The brevity of colonial rule over this territory is illustrated by one striking fact: the first Prime Minister of independent Sierra Leone, Sir Milton, was born in 1895, a year before the Protectorate was declared. In fact it was not until after the Hut Tax War of 1898 that the British made a coherent effort to pacify the so-called Protectorate – now Provinces – but even then the area was treated as “foreign countries adjacent to the Colony.” There is evidence that significant state building effort was underway at the time that the Protectorate was declared: the British identified one leader in the south, the Mende warrior chief Nyagua, as having predominant influence in the entire area, and another in the north, the Loko-Temne warrior Bai Bureh, as predominating in the north. After they crushed the Hut Tax rebellion, the British hanged 83 people and exiled both Nyagua and Bai Bureh; Nyagua died in exile in the Gold Coast (now Ghana) and Bureh was brought back, years later blind and decrepit, and died shortly after.

After that the British broke up the entire Protectorate into over 200 small political entities and appointed chiefs through whom they governed. The first attempt to bring all of Sierra Leone together as one political unit was the 1924 constitution which created a unicameral legislature with representatives from the Colony and the Protectorate (in the case of the latter, uneducated chiefs). The British had little interest in seriously unifying the country, but the subsequently favoured people from the Protectorate over the Anglicised Creoles to dominate politics in the country. The problem was that there were about thirteen language groups in the country, each having its own interest, with the Mende (in the southern and eastern half of the country, and with about 30 per cent of the population) and the Temne (mainly in the Western Area and the northern half of the country, and constituting about 29 per cent of the population) being the largest groups.

At the time of independence, the key issue was whether power would be passed on to the Colony-born Creoles or the groups from the Protectorate, and the Protectorate united under one leader, Sir Milton and his Sierra Leone Peoples Party (SLPP), to whom power was granted. Sierra Leone gained independence in 1961.

Margai’s experience as colonial civil servant and politician taught him the need for national unity. His policies were conciliatory, and he gave senior cabinet positions to Creole leaders like G. Dickson-Thomas and CB Rogers-Wright. Margai never personalized politics, and treated the opposition as a necessary, if sometimes inconvenient, democratic reality.

After independence, the fragile unity of the Protectorate peoples was severely undermined. In fact, as independence approached, Siaka Stevens, formerly a staunch member of the SLPP, left the party after he lost by-elections in his constituency – and was therefore disqualified from getting ministerial position in the new, independent government – and on 11 September 1960 launched a new party, the All Peoples Congress (APC).

The new party had to look for causes other than those associated with the old Colony-Protectorate divide, and it promptly created its own fault-line which would be far more enduring and corrosive. The APC painted the SLPP as “the Mende man’s party”, a false claim but potent since the party was led by a Mende, and tapped into another new political territory, unemployed urban youth: the party took a posture of populism against what it deemed as the “elitism” of the SLPP (which attracted mainly chiefs, property owners and the educated elite). The Creole elite, resenting the Mende-led SLPP for effectively sidelining them, also rallied to the support of the APC. The combination seemed powerful, but so strong was Margai’s SLPP at the time that Stevens’ party was a mere ‘threadbare standard’ as independence approached. A bare-knuckle politician, Stevens, as sole opposition leader, drew no distinction between blatant falsehood and political propaganda, and few months before independence he circulated an “appraisal” to British MPs warning that without elections before independence “there is every likelihood of chaos and suffering,” and alleged abuse by the PM’s office as well as corruption.⁸ He was arrested in London under the Fugitive Offenders Warrant which accused him, along with 17 others, of criminal libel, sedition and conspiracy. His APC was described by the Crown Counsel as “a terrorist organisation” financed from abroad.⁹ Stevens and several of his colleagues spent the week of independence in detention and was released after. Margai sent bottles of whisky and brandy to them at the Pademba Roads prison on 29 April 1961, Independence Day. The APC leaders were released after independence, and thereafter Margai made sure he included Stevens as opposition leader in his delegation on important trips abroad, in particular to the UN General Assembly meetings. Margai, in other words, allowed the opposition not only to exist (at a time that one-party rule was becoming the fashion in Africa) but actually to thrive.

As long as the universally-liked and inclusive Sir Milton lived, Stevens was a largely marginal figure, flirting with fringe or vogue foreign causes, and was wooed by the likes of Guinea’s Sekou Toure. His party, however, made significant inroads in the Northern Province, and among unemployed youths in Freetown and Kono. Then Margai died in 1964, and in a controversial move, was replaced by his distant younger relative Albert Margai, a gregarious and energetic lawyer who was far less respected. Stevens’ message of “Mende hegemony” began to resonate widely, and a number of senior non-Mende figures, led by John Karefa-Smart (a Temne who had hoped to succeed Sir Milton) left the SLPP and joined Stevens’ party.

In March 1967, there was a crucial election which pitted Stevens’ APC against the increasingly unpopular Albert Margai and his SLPP. The country was by now largely divided along ethnic lines, but there were clear issues around which the elections were fought. Margai had attempted to pass a one-party state and proposed a Republican constitution – issues the APC opposed as “fundamentally unacceptable” and which were widely unpopular across the country, especially in the cosmopolitan Western Area. Several leading SLPP members also opposed the move, and in the elections contested as Independent candidates. In all, the SLPP fielded candidates for 65 seats and the APC 56. The results of the elections are almost similar to the elections of 2007, though the APC victory in 1967 was more clear-cut in overall majority. The SLPP won no seats in the Western Area, and it won only one Northern seat. The APC for its part won almost all the seats in the North and Western Area, and only one seat in the South. In all, the APC won 32 seats, the SLPP 28, and 6 Independents won seats. The SLPP quickly – and fraudulently –

⁸ “Siaka Stevens in London,” *West Africa*, 18 February 1961.

⁹ “Siaka Stevens Jailed,” *West Africa*, 1 July 1961.

claimed that the Independents had crossed over to them, giving the party overall majority, but this was rejected. That the APC commanded the overall majority in the country is evident from the fact that the party polled 470,000 votes, the SLPP 240,000, and Independents 120,000. Before Stevens could be sworn in, however, there was a coup led by pro-Margai army chief David Lansana; Lansana himself was unseated a day later by a trio of Majors who set the National Reformation Council (NRC), which in turn was overthrown a year later by non-commissioned soldiers who handed power to Stevens. The vindictive Stevens later arrested Lansana, charged him with treason, and had him executed along with others – the first political executions in independent Sierra Leone, and there were to be more.

In 1971, uncomfortable with the fetters of a parliamentary system, Stevens passed a republican constitution and declared himself Executive President. Two years later, he conducted elections, which he rigged violently. In 1978, after another rigged elections, and claiming that multiparty elections in Africa were inherently violent, Stevens declared a one-party state – something he had opposed as “a matter of principle” – and made himself President for Life. All opposition was henceforth banned – rival political leaders either had to go into exile or join the APC, which many did. Stevens effectively degraded every state institution, institutionalised graft, in effect criminalised the state. Often jovial in public, a grandfatherly figure, Stevens was in fact a prodigy of forms of excess and creative autocracy that helped to completely neuter the state, laying the foundations of a brutal civil war. He targeted chiefs, replacing legitimate but inconvenient ones with handpicked hustlers. He connived with Lebanese businessmen to loot the country’s alluvial diamond mines, and in 1985 he handed over the bankrupt state to his protégé, army chief Joseph Momoh.

Like his predecessors, Momoh made the ritual commitment to national unity – every government in Sierra Leone has had to do that since independence – but realised, partly through his own policies, partly the logic of the country’s internal incoherence – that his support base was narrowed largely to ethnic Temne and Limba. Momoh declared what he was pleased to call a “philosophy” of Constructive Nationalism, with the aim of moving Sierra Leone from “a state where we are merely a people inhabiting a certain territory that is loosely united by a common political institution to a state that is held together under the same government by mutual consent and agreement.”¹⁰ But in fact the logic of his own presidency – imposed as a single candidate by the tyrannical Stevens – negated his rhetoric. Worse, more than all his predecessors, Momoh’s rule was marked by almost unrelieved factionalism, and he came to favour his own Limba ethnic group to the near-exclusion of other groups. Corruption was rampant, the state was bankrupted, and in 1991, it dissolved into war. Momoh was overthrown in a military coup in 1992.

Electoral politics during the 10-year rule of President Ahmad Tejan Kabbah of the SLPP suggested that a different, more inclusive and less ‘tribal’ politics or electoral process and outcome are possible. The 1996 election that brought Kabbah to power might be safely discounted: it was held amidst a civil war, and the APC – the SLPP’s historic rival – had become after its overthrow by soldiers in 1992 electorally inconsequential. However, to secure a convincing victory over a new party with strong ‘tribal’ overtones and appeal, Kabbah reached out to all the other smaller parties, including the APC, and formed a winning coalition. The

¹⁰ “What is Constructive Nationalism,” H.E. The President Major-General Dr. J.S Momoh, in *Sierra Leone: The New Order, One Year After* (Freetown 1986), 2.

government that Kabbah formed included cabinet ministers and other top government appointees from every region and ethnic group in the country; it was truly a national unity government without carrying the name. Kabbah and his SLPP were rewarded for this by decisive wins in 2002: Kabbah won 70.06% of the votes, sweeping through all regions of the country, and the SLPP won 70% of the seats in parliament. Kabbah's closest rival, Ernest Bai Koroma of the APC, won only 22.35% of the votes.

A definite pattern of ethnic voting emerged only in 2007. Koroma, who narrowly won a runoff, polled over 80% of the votes in the northern half of the country, and his APC captured 36 of the 39 seats for Parliament from that region. The APC won all the seats in the Temne and Limba areas (its key ethnic base). The party, however, won only 2 of the 53 seats in the entire Southern and Eastern provinces area – and no seat at all in the Mende-dominated Southern Province. For its part, the SLPP, which took 18 seats from the Northern Province in 2002, won only 3 seats there in 2007, and won no seat in the Western Area. The APC won in all 59 seats in the 112-member Parliament, after receiving 728,898 or 40.73% of the parliamentary votes in 2007, to the SLPP's 43 seats after receiving 707,608 or 39.54% of the total parliamentary votes.

With some modifications due largely to the advantages of incumbency that Koroma and the APC enjoyed, this pattern was repeated in 2012, only this time Koroma won more votes in the southern and eastern parts of the country, avoiding a runoff.

The results released by the National Electoral Commission for the votes on 7 March 2018 showed an even more troubling ethno-regional vote results than all the previous postwar elections : they revealed what appears to be entrenched ethnic and regional divisions that are likely to devolve into communal violence if not checked.

Appendix 2 – Causes of Conflict in Sierra Leone

In its primary findings, the TRC concluded as follows:

- a. The Commission finds that the conflict and the post-independence period preceding it represent the most shameful years of Sierra Leone's history. These periods reflect an extraordinary failure of leadership on the part of all those involved in government, public life and civil society.
- b. The Commission finds that the central cause of the war was endemic greed, corruption and nepotism that deprived the nation of its dignity and reduced most people to a state of poverty.
- c. Successive political elites plundered the nation's assets, including its mineral riches, at the expense of the national good.
- d. Government accountability was non-existent. Institutions meant to uphold human rights, such as the courts and civil society, were thoroughly co-opted by the executive.
- e. This context provided ripe breeding grounds for opportunists who unleashed a wave of violence and mayhem that was to sweep through the country.
- f. Many Sierra Leoneans, particularly the youth, lost all sense of hope in the future. Youths became easy prey for unscrupulous forces who exploited their disenchantment to wreak vengeance against the ruling elite.
- g. The Commission holds the political elite of successive regimes in the post-independence period responsible for creating the conditions for conflict.
- h. The Commission finds that the seeds of discontent of the late 1980s and early 1990s can be traced to the colonial strategies of divide and rule and the subversion of traditional systems by the colonial power and successive governments.'
- i. The TRC further found that the primary causes of the conflict were as follows:

FINDINGS ON THE CAUSES OF THE CONFLICT

- j. The causes of the Sierra Leone conflict were many and diverse. Some historical antecedents to the conflict can be traced back to the colonial period, while others are found by examining the post-independence years, in particular, the years preceding the outbreak of violence in 1991.
- k. Key themes highlighted by the Commission were the pervasive corruption and the dire failings in governance that characterized all the regimes of the pre-conflict years. These factors produced the conditions that made Sierra Leone ripe for violent conflict.
- l. This section also sets out findings in relation to those developments that constituted the immediate antecedents to the start of conflict.

Primary findings

- m. Prior to 1991, successive regimes became increasingly impervious to the wishes and needs of the majority. Instead of implementing positive and progressive policies, each regime perpetuated the ills and self-serving machinations left behind by its predecessor.
- n. A number of internal factors accumulated, which made armed rebellion an increasingly attractive option for many disaffected Sierra Leoneans. These factors included unrestrained greed, corruption and bad governance.
- o. Institutional collapse reduced the vast majority of people to a state of deprivation. Government accountability was non-existent. Political expression and dissent had been crushed. Democracy and the rule of law were dead.
- p. By 1991, Sierra Leone was a deeply divided society, full of the potential for violence. It required only the slightest spark for this violence to be ignited.'

It further found:

- q. The Commission finds that, by the early 1990s, greed, corruption and bad governance had led to institutional collapse, through the weakening of the Army, the police, the judiciary and the civil service. The entire economy was undermined by grave mismanagement.
- r. Selfish leadership bred resentment, poverty and a deplorable lack of access to key services. Notwithstanding the riches endowed to Sierra Leone in the form of diamonds and other mineral resources, the bulk of the population remained impoverished. Indeed, many of the poor were becoming poorer.
- s. These social ills began with a collective failure to subscribe to notions of the common good. In many instances, the rich perceived the poor to be worthless, while the poor perceived the rich to be unworthy.

- t. A culture of grabbing and intolerance for the rights of others became entrenched in Sierra Leone. People were systematically deprived of their dignity.
- u. The political elite in successive regimes excluded society-at-large from meaningful participation in decision-making. Key stakeholders in society, including students, youths, and the populace of the Provinces, were marginalized by the political elite. Ultimately, these marginalized groups played a central role in initiating and fueling the armed conflict.
- v. The Commission finds in particular that the term of government under the All People's Congress (APC), particularly during the reign of President Siaka Stevens (1969 - 1985), was one that suppressed any semblance of opposition. The creation of a one-party state effectively neutralized all checks and balances on the exercise of executive power. The one-party state systematically closed down avenues for open debate and democratic activity.
- w. By the time of the conflict, successive regimes had rendered the country devoid of governmental accountability. Institutions such as the judiciary and civil society had become mere pawns in the hands of the executive. Parliament proved itself to be a servile agent of the executive, lacking courage and determination to resist tyranny.
- x. The Commission finds that all institutions of oversight must accept responsibility for the effective entrenchment of dictatorship and bad governance that laid the grounds for war.
- y. There were no significant acts of resistance to the excesses of the system. Civil society was largely co-opted into the very same system. Organs or agents of the APC Government quickly crushed the few who did stand up to totalitarianism. In short, there were no real restraints on the executive. The rule of law was well and truly dead. Those in power became a law unto themselves.
- z. The signs of the impending human catastrophe were plain to see. The Provinces had been almost totally sidelined through the centralization of political and economic power in Freetown. Local government was in demise across the country. Chiefs and traditional structures did little more than the bidding of the power base in Freetown. Regions and ethnic groups were polarized by the contrasting treatments they were afforded.
- aa. It had become commonplace for elections to be rigged. Elections were associated with campaigns of intimidation and violence often carried out by thugs who were employed by party bosses and given drugs to fuel their waywardness.
- bb. Historically, the conduct of the political elite, while in power was largely the same, regardless of which political party was in power. Corruption in the judiciary and public sector was rife. The people had lost all faith in the ruling class to act with integrity and to deliver basic services to the nation.

- cc. Successive political regimes abused their authority over the security forces and unleashed them against their political opponents in the name of national security. Soldiers and police officers were reduced to playing roles as agents of destabilization. The Commission finds that the military overthrow of the APC government in 1967 sowed the seeds for future military coups of successive governments.
- dd. By the time of the outbreak of war, the army had become dangerously under resourced after years of neglect, when government devoted its resources to internal security for purposes of extinguishing political opposition.
- ee. The Commission finds that divisions along ethnic and regional lines characterized the post-colonial period. Successive regimes favored certain ethnic groups over others with regard to appointments in cabinet, the civil service and army.
- ff. Sierra Leoneans owed loyalty to their respective ethnic group rather than to the nation. They became captive to different systems of patronage. The basis for political, social and economic mobility was dependent on allegiance to a "pa" (benefactor) rather than effort based on merit.
- gg. By the end of the 1980s, Sierra Leone had become a deeply fragmented country, marked by an almost total lack of national identity. Notions of citizenship and patriotism had become meaningless concepts.
- hh. The Commission finds that the innumerable failings in governance caused Sierra Leonean activists to seek alternative outlets for expression of their dissent and dissatisfaction. The exclusionist actions of the APC led to a complete loss of faith in the political system and ultimately gave rise to a general belief that only a revolutionary movement could bring about change.
- ii. The Commission finds that those in leadership in government, public life and civil society failed the people of Sierra Leone. The period between independence and the start of the conflict represents a colossal failure of leadership at all levels of public life. No enlightened and visionary leaders emerged to steer the country away from the slide into chaos and bloody civil war.
- jj. The Commission holds the political elite of successive regimes in the post-independence period responsible for creating the conditions for conflict in Sierra Leone. The governments headed by Sir Milton Margai, Sir Albert Margai, Colonel A. T. Juxon-Smith, Siaka Probyn Stevens and General Joseph Saidu Momoh all bear a share of this responsibility. These leaders together with the entire political elite collectively placed their personal and political interests above those of the nation.'

The TRC findings though comprehensive on the causes of the conflict are not exhaustive. The recently published Fragility report on the underlying causes of conflict in Sierra Leone reechoes many of the reasons given the TRC. The report notes that the "social contract" has never been established in Sierra Leone at the national level. Rebellions and strikes before independence, and

coup d'états and economic crises after independence, were repeated regularly. Yet the promises of a new beginning after every crisis up to and including the civil war, have never involved a systematic attempt to understand and resolve the contradictions of the existence of two parallel configurations of the State that were entrenching fragility. Economic growth and political calm prevail for short periods but are not harbingers of a new social and political order.

The report further points out that notwithstanding some elements of apparent resilience, the country is therefore still fragile and vulnerable to the forces that led to the collapse of the State and civil war 15 years ago. Political interference in the functioning of institutions continues to stultify growth, undermine capacity and weaken effectiveness, rendering the Government incapable of resistance to the slightest of shocks. There are still few checks and balances to a predatory Executive and ruling class.

The ease with which chronic popular dissatisfaction with government can still contribute to conflict and violence is seen in community protests, student manifestations, and election violence. A recent example (February 2017) includes University student protests over non-payment of lecturers' salaries that turned violent. Echoes of how this escalates to a state-society crisis are heard in the use of the state security apparatus to suppress dissent, and in the way, corruption permeates the rank and file of institutions responsible for law and order, rendering individual security impossible. Moving towards the next elections, the signs are visible. The security apparatus is refusing permits for demonstrations on the grounds that they may incite instability and the justice system has arrested a number of political activists only to release them after a period of incarceration.

The fragility report does not only point fingers at the government. The private sector similarly represents mostly a reflection of the past, rather than a blueprint for the future. To the extent that the private sector is defined as that part of the economy not controlled by government, it must be admitted that Sierra Leone has little private sector at scale. Characterized by a closed economic order, the Government continues to exercise inordinate influence over mining, commercial agriculture, infrastructure development, and industry in pursuit of corrupt and rent-seeking aims. More often than not, private sector actors appear to be willing partners. The economic policies pursued, and the sectors promoted also tend to reflect elite and foreign interests, not necessarily a sustainable development path for broad majority of the country's people. Once again, there are reports of the use of public security forces to intimidate local communities and pursue private ends.

At the same time, non-state institutions seem to be experiencing slow but steady growth in both scale and capacity. Religious institutions, civil societies, the media, and even international NGO's and partners now provide public goods and services widely. To some extent they compensate for a national Government unwilling or unable to play its social role; they deliver a scale and scope of services in the aggregate on par with, or even exceeding that, provided by the Government. But their impact is fundamentally palliative, in the social sphere providing (still inadequate) direct services, and in the political sphere (in conjunction with Sierra Leone's few independent political institutions) only moderating some of the worst excesses of corruption. They are not capable of re-ordering power relationships in ways that result in stability and peaceful development.

At the same time Sierra Leone has not addressed its past, it has not positioned itself to address the challenges of the future. On the economic front, Africa is losing any form of homogeneity in terms of how countries relate to the global economy. The increasingly rapid flow of more diversified FDIs to countries with more stable investment environments will soon result in countries with sustained high growth rates leaving behind countries still struggling with governance and other issues constricting progress. As inequality among countries expands, so too will the dangers of increased fragility. Sierra Leone risks being left behind. Given the almost equally weak state of Sierra Leone's neighbours, this factor of fragility will, as in the past, have a regional dimension.

On the social front, the rapidly expanding youth population with access to social media and instantaneous information dissemination, increases volatility. In the past, the Government used the state apparatus to move quickly to suppress expressions of disaffection. In a world in which protests on one campus move quickly to many others, attempts at suppression of dissent only result in increased insecurity, and deepen a sense of the illegitimacy of the State. Similarly, the greater empowerment of civil society groups, combined with the juxtaposition of islands of efficient institutions like the Human Rights Commission, the National Minerals Agency, and the Auditor General's office, make the abuse of power, looting of state assets, and other aspects of the predatory state more easily and rapidly known. In the absence of a credible response from government or any true accountability, however, these further delegitimize the state and worsen the distrust between state officials and citizens.

In the policy arena, the challenges of the future, from sustainable mining and agriculture, to climate change, to education reform, to the development of job-led growth strategies in a world of declining manufacturing jobs, are not amenable to the dictates of presidential initiatives or short-term planning support by bilateral donors. Rather, they require alignment and coordinated efforts between areas of government, national and local, and between government, civil society, and the private sector. Exactly this ability to build sufficient consensus for coherent policy, and then to follow through with comprehensive implementation, however, seems increasingly beyond Sierra Leone's grasp.

Appendix 3 – List of Commissions in Sierra Leone

1. Public Service Commission
2. Electoral Commission of Sierra Leone
3. National Commission for Democracy & Human Rights
4. National Commission for Privatization
5. Justice and Legal Service Commission
6. National Commission for Human Rights
7. National Drugs Secretariat
8. National Commission for Social Action
9. Anti-Corruption Commission
10. Corporate Affairs Commission
11. Human Rights Commission
12. Income Tax Board of Appellate Commissioners
13. Independent Media Commission
14. Judicial and Legal Service Commission
15. Law Reform Commission
16. Legal Aid Board
17. Local Government Service Commission
18. Monument & Relics Commission
19. National Assets Commission
20. National Commission for Children
21. National Commission for Persons with Disability
22. National Commission for Small Arms
23. National Electoral Commission
24. National Youth Commission
25. Political Parties Registration Commission
26. Rights to Access Information Commission
27. Sierra Leone Electricity Water Registration Commission
28. Sierra Leone Insurance Commission
29. Sierra Leone Health Service Commission
30. Tertiary Education Commission

Office of the President

**Office of the Chief Minister
State Avenue - Freetown**