



Institute for Governance Reform-IGR

Bridging knowledge and policy

49h Spur Road | www.igrsl.org | info@igr-sl.org

Article 35! Electoral Systems and the Elusive Search for Stability in Sierra Leone.

Critical Perspectives of Governance Vol XVII

July 2022



Dr. Kandeh Yumkella, let the memories of your dear Aunty Philo provide you and the family comfort at this time!

As we share our deepest condolences to the bereaved, Hon Dr. Kandeh Kolleh Yumkella, Leader of NGC party, for the loss of his wife, Philomena, political parties in Parliament are going through stormy disagreements over the amendment of sections of the Public Elections Act (PEA) of 2022. It would have been a good opportunity to hear Hon Yumkella's usual erudite position on this important bill that will shape the politics of Sierra Leone for the foreseeable future. We will continue to grieve with him and join him lay Aunty Philo to eternal rest. RIP Aunty Philo!

1. The Current Political Situation in Sierra Leone

Article 35 of Sierra Leone's 1991 Constitution provides for the establishment of political parties as the vehicle for inclusive and violence-free multiparty politics. The Constitution expressly states that membership and leadership of parties shall not be restricted to any tribe, ethnic group or region and makes mandatory setup and running of party offices in every region a requirement for registration and operation in Sierra Leone. Contrary to the spirit and letter of the Constitution, political parties have since independence been the known drivers

of the division, hate and violence that has stamped the country with the years of instability and poverty it continues to suffer.

There is rising political tension as Sierra Leone prepares for general elections in 2023. Over the last one-week, the police arrested and detained two opposition leaders and dozens of women protesters for allegedly protesting, without police clearance, the rising cost of living. This incident follows opposition boycott of the recently conducted population census and violent clashes in local bye-elections across many parts of the country. Electoral violence and heavy-handedness of the police are not just a feature in the politics of the last four years under the Bio administration. Since the reintroduction of the First Past-the-Post (FPTP), commonly known as winner takes all, the country has become increasingly divided along regional lines and ethno-regional mobilization of votes have made it difficult to use election as a platform for public policy conversations. Women remain marginalized from holding public office and the practice of successive regimes skewing state resources in favor of ruling party areas leaves opposition held communities very resentful. This resentment has heightened social division and tensions that have negatively impacted the country's performance on the global peace index, which has fallen five places in its rankings over the last six years.

As a way of responding to this challenge, the Electoral Commission (EC) has in June 2022 proposed to parliament in the form of the Public Elections Act, (PEA), several reforms including: a fixed date for elections; security of tenure of Electoral Commissioners; reduction of the period for resignation of public officials wishing to contest for parliament; and a change from the current FPTP system to a return to a Proportional Representation (PR) system. Of all the reform proposals before parliament, the return to the PR system has generated the most controversy and is provoking the biggest debates within and outside parliament.

PR (1996–2007) and FPTP (2007-2022) are the two electoral systems practiced by Sierra Leone in the last 26 years of multiparty rule. Under the District Block PR system, the share of votes a party pulls in a district determines that party's share of seats or representation in parliament for that district. Political parties have absolute say over who would get elected and for which seat. Moreover, in the event of a vacancy resulting from the absence or death of an elected MP, there was no bye-election as the party would simply fill the vacancy with the next name on their list. The PR was introduced as a stopgap measure during the civil war in 1996. At that time, rebels were occupying many districts in Sierra Leone; there was no reliable data to delineate constituency boundaries; yet Sierra Leoneans were eager to end military rule and put the country on the path to multiparty democracy. Sierra Leone conducted a census in 2004 which provided data for the delineation of constituency boundaries ahead of the 2007 election.

Political reformers criticized the PR for giving too much control to political parties and less so to citizens. They advocated for a more personalized electoral system (the FPTP) where citizens/ voters determine which party wins the majority in parliament, but also which individuals should occupy those seats. Sierra Leone moved away from the PR system in 2007 and adopted a FPTP model, and there was a change of government from SLPP to APC in that same election.

Some MPs have started engaging their constituents on a position to take on the bill. This indicates some shift in the practice where political parties have been the sole determinant of the electoral system. Citizens views are beginning to count. This shift is significant because citizens can shout on roof tops and blast on radio, and social media, but it is only the fear of our votes at the ballot box that make politicians listen to us. Therefore, citizens view matter. To get views of citizens on the proposed PEA in a systematic and scientific way, IGR and CARL will this week commission a survey on a range of reforms recommended by the 2016 constitutional review committee as part of their joint advocacy for greater sociopolitical and judicial reforms.

2. First Past the Post and the Challenges with Winner-Takes-All

Although most Sierra Leoneans (65% according to Afrobarometer 2020) believe that they live in a democracy, satisfaction with the dividend of democracy is at an all-time low. Average attrition rate of MPs in the last three elections is as high as 75% showing high levels of voter's disillusionment with the political class. There are growing concerns that elections and political parties are becoming the vehicle to settle personal vendetta (Fanthorpe 2011).

It had been hoped in some quarters that the FPTP systems could promote greater accountability, better representation and consolidate reforms. Under FPTP, citizens are able to directly vote for the candidate of their choice and independent candidates are allowed to vie for offices. Certainly, this optimism of reformers about the prospects of the FPTP might have overshadowed the need for a sober reflection on the implications of a winner-take-all system in a post-war country with weak institutions to manage competitive party politics.

The current culture of electoral violence mirrors much of the country's pre-war history. Political Scientist Jimmy Kandeh noted that the 24 years of APC rule, was "marked by growing repression and unfettered corruption among public officials.... all four general elections (1973, 1977, 1982, 1987) held under the APC were fraudulent affairs in which the opposition was intimidated, harassed, brutalized and eventually criminalized after the declaration of a one-party state in 1978." (Kandeh 2003: 192).

Twenty years after the end of the civil war, it would appear that ethno-regional polarization has surpassed pre-war levels. On the economic front, Sierra Leone is still heavily aid dependent even for financing of its own elections. Despite millions of dollars of foreign aid flows for reform of justice, rule of law and the public service in the last 15 years, there remains grave concerns over access to justice and basic social services. Youth unemployment is as high as in the pre-war years and so is the low representation of women. This suggests that the time is indeed ripe for Sierra Leone to (re)examine its electoral systems.

3. Will A PR System Improve Our Politics?

After 15 years (3 general elections) of elections conducted under the FPTP system we examine four key arguments that supported its re-introduction in 2007: Representativeness, inclusivity; stability/state effectiveness and financial costs. We ask, how does this compare to Sierra Leone under the PR system? While the change in the electoral systems did change how people vote, its impact on other aspects is less clear. We review these below:

3.1. Better Representation of Voters

One of the key reasons advocated for FPTP is that it can allow voters to make their choice among individual candidates and enhance a sense of representativeness of MPs. On the other hand, under the District Block PR system there were concerns that by removing citizens choice of their elected representative it will decrease parliamentarians' accountability to voters, and limit citizens' ability to ensure that parliamentarians represent them effectively. However, there are concerns that the FPTP can limit inclusiveness because, despite the closeness of elections, only one candidate can win even if with 40% while losing candidates with 60% of voters will not be represented. This helps to explain some of the resistance to the PR system presently.

An analysis of the five parliamentary election results from 1996 to 2018 helps us to understand the potential political motivations behind the campaign for and against adopting the PR system.

Table 1: ANALYSIS OF PARLIAMENTARY ELECTION RESULTS

ANALYSIS OF PARLIAMENTARY ELECTION RESULTS						
Year	PARTY	VALID VOTES	PERCENTAGE VOTE	NO OF MP SEATS	% IN PARLIAMENT	VARIANCE
1996	SLPP	269,486.00	35.8	27	40%	4.2%
	UNPP	161,618.00	21.5	17	25%	4.5%
	DPD	114,409.00	15.2	12	18%	3.0%
	NUP	42,443.00	5.7	5	7%	1.3%
	APC	39,280.00	5.2	4	6%	0.8%
	DCP	35,624.00	4.8	3	4%	-0.8%
2002	SLPP	1,352,206.00	69.9	83	74%	4.0%
	APC	409,022.00	19.8	27	24%	4.0%
	PLP	69,778.00	3.6	2	2%	1.4%
2007	APC	728,898.00	40.73	59	53%	12.0%
	SLPP	707,608.00	39.54	43	38%	-2.0%
	PMDC	275,435.00	15.39	10	9%	-6.0%
2012	APC	1,149,234.00	53.67	67	60%	6.3%
	SLPP	819,185.00	38.25	42	38%	0.2%
2018	APC	989,431.00	39.93	68	52%	12%
	SLPP	964,659.00	38.93	48	36%	3%
	NGC	215,315.00	8.69	4	3%	-5%
	C4C	119,006.00	4.8	8	6%	1%

Some have argued that the SLPP can compete well under the PR because the party has some semblance of a national spread and is currently pulling an average 35% of votes in recent bye-elections in opposition held areas. However, these numbers will not translate into seats under

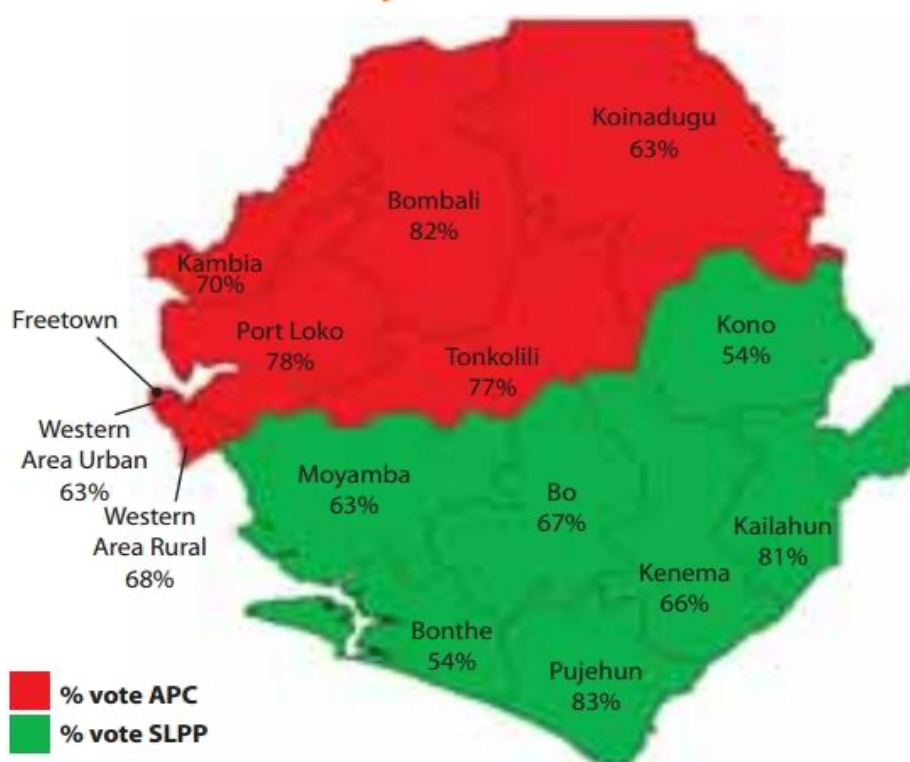
the FPTP. They maintain that the APC prefers the FPTP because the party maintains a more centralized regional strategy and has a record of pulling a disproportionately larger share of seats even in circumstances like in 2007 and 2018 where they received an almost equal number of votes as the SLPP. In 2018, for example, elected APC (989,431 votes) and SLPP (964,659 votes) MPs had a close parliamentary race pulling 39.9% and 38.9% of the 2,576,271 votes respectively. However, with 39.9% of the vote cast APC still secured 52% of the 132 seats (68 seats) in parliament ... 20 seats ahead of the SLPP. The NGC pulled 8.7% of the parliamentary votes, but only held four seats. See table 1 below.

There are gaps, arguably, in representation even within constituencies under the FPTP. Our analysis of the election results shows that about 23% of MPs in the current parliament secured less than 50% of the votes cast in their constituencies. Thus, proponents of the PR system argue that by allowing representation in proportion to the numbers of votes received will create wide under-representation of voters.

3.2. National cohesion and state effectiveness

By 2007 Sierra Leone was the poster child of a post-conflict country that had successfully disarmed, demobilized and made considerable progress in reintegrating its 75,000 fighters. These gains are being undermined with the current winner takes politics where there is a greater incentive for politicians to strengthen or maintain their bases in dominant regions and/or within their respective ethnic groups. Further, it has deepened citizens' unreasonable demands and expectations from their MPs. For example, recent Afrobarometer (2020) results shows that 61% of Sierra Leoneans expect their MP to attend to their personal needs.

2007 Parliamentary Election Results



Source: Sierra Leone National Electoral Commission

Under successive regimes, ethno-regional political strategy has left opposition regions disadvantaged and resentful. Further, it has encouraged gerrymandering (Yusuf Bangura 2022). For example, in the last seven years, Sierra Leone has spent a little over \$20m to conduct two population censuses under two different regimes. Opposition parties in both regimes outrightly rejected the results of the two efforts as a gerrymandering ploy. Under the APC government, SLPP accused the APC of engineering census results to increase their population and hence vote share and political representation. APC boycotted the recent census and made similar accusations about the census conducted under an SLPP government.

This tit for tat politics has had implications on national cohesion and the legitimacy of institutions, including electoral legitimacy. The toxic political atmosphere has made the acceptance of election results difficult for losing candidates and undermines the legitimacy of institutions.

3.3. The Economics of Elections

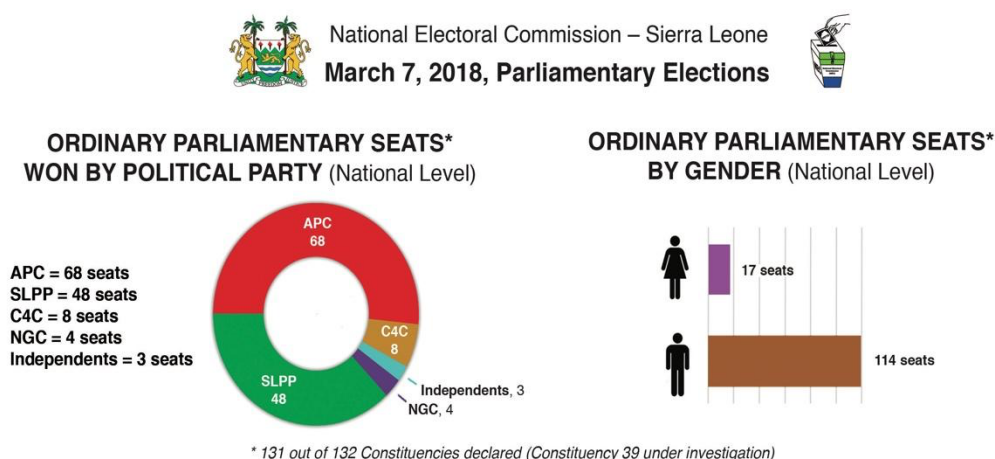
A related argument in favour of the PR system is that it can reduce election costs for young and poverty stricken democracies. One of the drivers of corruption is the high cost of politics (Westminster Foundation for Democracy 2013). Aspects of these costs include the cost of campaigning, maintaining security during an election, and ensuring retention of one's MP seat through the provision of personalized assistance and benefits to one's constituents as discussed above.

Another cost has been that of bye elections, a component of the FPTP system. One of the strengths of bye- elections is that it provides citizens with the opportunity to select their representative should the current representative be unable to serve for whatever reason. However, others have expressed concerns about both the financial and social costs of elections. In Sierra Leone, the EC reports that 44 bye-elections were conducted in the last 15 years with 21 taking place between 2018 and 2022 alone. About a third of these bye-elections were marred by violence in the last four years, while nearly half of all bye-elections conducted between 2009 to 2016 had been plagued with violence (see IGR Cost of Politics 2016). This suggests that bye-elections have destabilizing effects on communities and institutions. Under PR, the candidate with the next largest percentage of the vote share replaces candidates that can no longer serve.

Moreover, the financial burden of elections further makes politics unaffordable and non-participatory, especially for women. Our analysis shows that political parties, candidates and Sierra Leone's democratic institutions have spent an estimated \$6.2m on bye-elections alone in the last 15 years, an amount that is closer to the overall cost of one general election. In addition to this waste is the inefficient use of state resources to maintain political strongholds through acts like gerrymandering for political advantage. In his most recent analysis of the 2020 census results, Yusuf Bangura highlighted the common-place practice of manipulating population numbers for gerrymandering purposes; even in advanced democracies. However, given the scarcity of resources and the dearth of credible development statistics this waste is too costly for Sierra Leone.

3.4. Representation of women

Proponents of PR have also argued that the PR system can improve women's representation. Sierra Leone achieved its highest representation of women under the PR system, in 2002, when 18 women (14.5 per cent) were elected to parliament. Female representation has dropped with every subsequent election and the re-introduction of FPTP. Sixteen women were elected following the 2007 elections (13.5 per cent). This dropped to 15 women in 2012. While presently, there are 18 women in parliament, because the total number of parliamentarians has also increased, the percentage remains the same as in 2012 - 12.3%.



Does the proposed change to a PR system hold any possibility in addressing these low numbers? For many feminist scholars and activists, the PR system is seen to be most beneficial for women. Renowned political scientist Tinker (2004) for example, has written that party lists combined with PR systems are the most effective way to increase women's political representation. One reason for this is because of the perception that in FPTP systems voters are seen to be voting for the person rather than the party. This opens up the danger that voters antagonistic to women's participation will defect and vote for a male candidate, making political parties less willing to field women candidates. However, PR systems do not in and of themselves guarantee an increase in women's political representation. Several conditions must be met. This is where the party list becomes important. If parties are mandated (for example, by quotas), to field female candidates they have to ensure that women are represented in the party list. Moreover, because the location on the party list determines which candidates are selected to be representatives, depending on the share vote, women must be placed high on the party list. Best practice is the zipper system, where women and men are placed in alternating positions. For example, if the first name on the list is a man, the next is a woman, followed by a man, followed by a woman and so on. Second, party control of the list as well as the order in which women appear are notable issues that must be taken into consideration.

1. Will a Change of the Electoral System Increase Citizen's Satisfaction with Democracy?

We see ample evidence that the Sierra Leone state was more peaceful and inclusive under the PR system than the last 15 years of the FPTP. While the FPTP has significant merits, in the Sierra Leone context, it would appear that it has not fully addressed the underlying causes of

state failure such as inclusivity, nor the exorbitant cost of elections; the use of violence as a means of intimidation and vote suppression strategy and the increasing desire for gerrymandering using corrupt official statistics at the expense of effective development planning and national stability. The change in the electoral system in 2002 did not contribute to a fundamental transformation of public attitudes, in accountability and institutional effectiveness; rather it made MPs more vulnerable to exploitation of their constituents for personal problems, which ultimately minimised citizens' trust in elected officials and the effectiveness of the parliamentary institution.

As MPs prepare to debate the bill in the third reading it is important to note that while the PR system has strong advantages for the Sierra Leone context, a change in the electoral system all by itself is unlikely to lead to a big change in attitudes towards the political system. Sierra Leone needs greater and deeper reforms than what the current PEA proposes. However, the PR could provide an opportunity to calm tensions down and provide a better environment for groups to discuss how to rise above narrow ethno-regional political calculations and discuss real changes needed.

2. Recommendations – towards increased satisfaction with democracy

The low satisfaction of Sierra Leoneans with the dividend of democracy is not surprising. Years of uncertainties and the skewed distribution of state resources has resulted in uneven development and powerlessness in many communities and groups. There is a clear need to re-establish electoral systems that will support political actors and citizens to democratically manage national diversity and build inclusive institutions. Below, we proffer ways of making the PR an effective tool for meaningful elections and diversity management.

1. The EC, Parliament, PPRC and political parties must work towards a common ground solution to the current political situation where the last two censuses have resulted in contention between groups in Sierra Leone. We advise that the EC should not proceed with boundary delimitation using the 2021 census data, given the controversies around the provisional results. At the same time, in light of the structural imbalances created by the 2015 census and the boundary delimitation that followed it, we strongly recommend that both SLPP and APC work together to agree upon a compromise solution. One possibility could be conducting elections under the PR system using the census figures generated by the opposition in 2015.
2. Government and its partners should work towards introducing reforms that will minimise perverse incentives for electoral fraud, violence, and gerrymandering, and create a level playing field for competitive politics. The PR system is the first step in discouraging the need to falsify official statistics to gain an electoral advantage, minimise violence and encourage political parties to embrace national diversity and peaceful co-existence.
3. Should parliament approve the PR, to minimize concerns about its manipulation to suit certain interest groups, the EC should take steps to co-create the contents of the new electoral system by increasing the involvement of civil society and interest groups in determining the variant of PR suitable for responding to the challenges that Sierra Leone faces. These sessions should be broadly participatory in design, ensuring meaningful participation of marginalised groups. Moreover, the formula for the PR

system resulting from these discussions should be clearly specified and codified into law.

4. Among the considerations in the design of the PR, there needs to be sustained discussion and agreement on the threshold adopted. We suggest a threshold low enough to ensure that smaller parties are able to participate in the electoral process as well as an approach that also allows for independent candidates to contest.
5. To address concerns that PR removes accountability of parliamentarians to citizens and instead promotes party loyalty, there is need to clearly specify criteria to qualify for inclusion in the party list and the order of list candidates.
6. Beyond the electoral system review, we strongly recommend that the National Commission for Social Cohesion facilitates the process of creating a National Cohesion and Integration Act that lays outline the plan and enforcement socioeconomic and political integration of communities across Sierra Leone.
7. Government should continue to promote deeper reforms of the educational system so that Sierra Leoneans can better understand politics. Beyond tinkering with broader electoral system changes, voters should understand the implications of voting and its connection to their lives.