

# U4 Expert Answer



## Overview of corruption and anti-corruption in Sierra Leone

### Query

Please provide an update on the extent and type of corruption in Sierra Leone, including an assessment of government action to combat corruption. It would be particularly useful to have your expert view on lessons learned and how to build on positive reforms.

### Purpose

To inform thinking on how to take forward support for anti corruption reforms.

### Content

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### Summary

Almost 10 years after the end of the civil war, Sierra Leone continues to face major challenges of weak governance, widespread poverty and systemic corruption, which undermine sustainable development and long term reconstruction efforts.

Corruption continues to permeate almost every sectors of Sierra Leone's public life, compromising citizens' access to basic public services and institutions such as health, education and the police. Corruption in the management of Sierra Leone's abundant natural

resources, including illegal diamond mining, acts as an obstacle to sustainable economic growth.

Drug trafficking and money laundering are also on the increase, with the country being used as a transshipment point from South America to Europe. Against this backdrop, corruption in the judiciary and law enforcement are of particular concern, as they compromise the state's capacity to contain these emerging threats.

Anti-corruption institutions lack resources, staff and expertise to effectively prevent and combat corruption and the political will to fight corruption has been questioned on many occasions. After the 2007 peaceful change of government, there are some positive indications of a stronger political will to address corruption and governance challenges in the country. Recent reforms of the Anti-Corruption Commission have extended its powers and contributed to significantly improve its capacity to investigate and prosecute corruption cases. Emerging civil society activism, an outspoken media and the support of the international community to the government's anti-corruption efforts are promising factors accompanying this positive trend.

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# 1 Overview of corruption in Sierra Leone

## Background

Almost ten years after the end of the brutal civil war (1991-2002) that ravaged in Sierra Leone for eleven years, the country's rebuilding efforts continue to face major challenges of weak governance, widespread poverty and systemic corruption. Corruption may have helped create the conditions that led to war in the first place, as the Revolutionary United Front tried to overturn the corrupt military government of President Joseph Momoh and gain control over the lucrative diamond industry. Like in many other countries affected by armed conflict, most of the governance structures or institutions acting as checks and balance were then dismantled or destroyed during the prolonged years of civil war, breeding corruption, lack of transparency and accountability (Bangura 2007).

Corruption challenges have been carried over into the post-conflict phase, acting as an important obstacle to sustainable development and reconstruction efforts.

In spite of its abundant natural resources, the destructive legacies of the war, weak state capacity and corruption have made Sierra Leone one of the poorest countries of the world, consistently ranking among the weakest in the UNDP Human Development reports (UNDP 2009).

As massive corruption was at the root of the war, addressing institutionalised forms of corruption in post-conflict Sierra Leone remains a priority to prevent the country slide back into conflict. After the 2007 peaceful change of government that brought President Ernest Bai Koroma into power, there are some positive indications of an emerging political will to address corruption and governance challenges in the country (Bertelsmann Foundation 2010).

## Extent of corruption

Corruption permeates almost every sector of Sierra Leone's public life, as reflected by major worldwide governance indicators. In 2009, Sierra Leone scored 2,2 on a scale of 0 (highly corrupt) to 10 (highly clean) in [Transparency International's Corruption Perceptions Index \(CPI\)](#), ranking at place 146 out of the 180 countries assessed and indicating widespread and endemic forms of corruption. The [World Bank 2009 Worldwide Governance Indicators](#) confirm this picture, with Sierra Leone performing well below average on all the six dimensions of governance assessed. While the

country has slightly improved its performances in terms of voice and accountability, political stability, and regulatory quality in recent years, it continues to face major challenges in terms of rule of law (14,8 on a scale of 0 to 100), and government effectiveness (11,4). In terms of control of corruption, the situation seems to have deteriorated over the years (12,6 in 2008 compared to 17,5 in 2003).

According to TI's 2009 [Global Corruption Barometer](#), Sierra Leone citizens' experience of corruption is consistent with these findings. 62% of the respondents report having paid a bribe in the 12 months prior to the interview. This makes Sierra Leone belong to the group of countries reported to be most affected by bribery among the 69 countries surveyed. It ranks alongside Cameroon, Liberia and Uganda. The survey further confirms that corruption is a major concern for citizens, with more than 64% of the respondents indicating that they would be willing to pay a premium, if they were assured that they buy from a corruption free company.

## Forms of Corruption

Both street-level and grand forms of corruption are reportedly widespread in Sierra Leone. Inefficient government structures, low salaries, excessive bureaucratic regulations and red tape offer many opportunities of bribery and extortion. According to the TI's 2009 Global Corruption Barometer that is based on a representative survey of 1000 households in the country, citizen routinely report having to make **informal payments** to access public services such as medical care, school services, court verdicts, payments for traffic violations etc. Companies are also often exposed to corruption in their dealing with public officials. Close to 37 % of the firms interviewed in the [2009 World Bank Enterprise Survey](#) identify corruption as a major constraint to doing business in the country. More than a third interviewees report being expected to make informal payments or give gifts to secure a government contract and close to 20 % to get things done.

[Transparency International's 2004 National Integrity System \(NIS\) study](#) provides numerous examples of **large corruption cases**, ranging from bribes paid for the awarding of public contracts to massive misappropriation of public funds. Such examples have involved institutions as diverse as the National Ports Authority, the Customs Department, and other high levels officials in the Ministry of Health, Education, Agriculture, Marine Resources, etc (Transparency International 2004).

The NIS study also indicates the prevalence of **political corruption** in the country, with various forms of political patronage and clientelism. Party leaders routinely offer gifts and favours or make promises to supporters during the election campaigns. Party officials or clients can be appointed to head parastatals, or be awarded government contracts or other benefits in exchange for their support, turning the civil service into a highly politicised institution.

## Sectors most affected by corruption in Sierra Leone

### *Natural resources management*

Sierra Leone's economy relies heavily on its abundant mineral, marine and natural resources, including rich diamond mines, timber, gold, bauxite, which represent a substantial portion of the country's export earnings. However, these resources have failed to translate into sustainable economic growth. This is largely attributed to mismanagement, corruption, patrimonial rule and external interference (Freedom House 2010).

In particular, corruption in the **diamond mining industry** remains a national concern, with illicit diamond mining challenging the authority of the government to enforce licensing and tax regulations. According to Freedom House, some government officials have been involved in such illicit schemes in close to complete impunity, as reflected by the small number of corruption investigations and prosecutions.

### *Public institutions*

According to TI's 2009 Global Corruption Barometer (GCB), the judiciary and public service are perceived by Sierra Leone's citizens as the institutions most affected by corruption, both with a score of 4,3 on a 1 (not at all corrupt) to 5 (extremely corrupt) scale. These institutions are closely followed by political parties (4,0). Citizens' experience of corruption confirm their perception that corruption is widespread in public services, with 56% of the respondents reporting having paid a bribe in the 12 months preceding the survey to access police services, 49% to access education services and 36 % to access health services. In the education sector in particular, [Transparency International Africa Education Watch](#) report points to widespread mismanagement and misuse of education resources, including books and stationary. Other forms of corrupt practices are also reported and the large majority of households are not convinced on how well the school finances are managed (Transparency International 2010). Public Expenditure Tracking Surveys (PETS) conducted annually by the government

confirm these findings, with the 2003-2004 PETS revealing that 50% of school fee subsidies were lost to corruption (Global Integrity 2009).

More generally, Global Integrity reports that people have little effective redress mechanisms at their disposal when asked for informal payments to public officials to speed up access to most public services (Global Integrity 2009). In the absence of a formal complaint and redress mechanism, officials may also purposely delay or refuse to process an application as an opportunity to extort bribes or other favours.

### *The judiciary*

Since corruption in Sierra Leone continues to pervade all aspects of public life, corruption in the judiciary is an issue of particular concern. In a general context of weak state institutions, powerful individuals have many opportunities to manipulate the justice system to their personal benefit or evade law enforcement. This is reflected by the very limited number of corruption related investigations and prosecutions despite the known involvement of some government officials in corrupt activities such as illicit diamond mining (Freedom House 2010).

In theory, judicial appointments reflect professional experience and merit, and judges enjoy constitutional protection from government interference. In practice, corruption, scarce resources as well as low paid and under-qualified personnel impede the institution's ability to deliver justice services in an independent and impartial manner, creating fertile ground for bribery and corruption (Bertelsmann Foundation 2010). Confirming this concern, 42 % of the GCB respondents that had been in contact with the institution reported having paid a bribe to judicial officers in the last 12 months. [Global Integrity 2009](#) also reports that human right groups continuously draw attention to the fact that people are paying illegal fees to court officials to secure bails or a lighter punishment.

Judicial presence outside the capital city remains limited, with a single magistrate appointed to each of the country's 12 districts. This contributes to excessive delays and backlogs, while law enforcement agents outside the capital enjoy considerable power and discretion (Freedom House 2010). Customary law partially fills this gap, as the majority of the population is subject to customary law and a system of chieftdom courts.

### *Aid*

As one of the poorest countries of the world, Sierra Leone's economy is heavily dependent on foreign aid

and external sources of revenues. As aid is often disbursed outside regular domestic accountability structures, it comes with its own inherent corruption risks. Little research has been conducted on the scope and scale of aid related forms of corruption in the country. However, like in many countries emerging from conflict, in which government structures and institutions have been destroyed by long years of conflict, Sierra Leone lacks the overall human and financial resources to manage and monitor donor funded projects. Given the country's limited absorption capacity and weak governance structures, it is reasonable to assume that donor funds may be particularly vulnerable to corruption risks.

### *Drug trafficking and money laundering*

Drug trafficking and money laundering are growing issues of concern in the country, with Sierra Leone being increasingly used as a transshipment point of narcotics from South America to Europe. For example, in July 2008, 700 kg cocaine were seized at the Lungi Airport from an aircraft coming from Venezuela (Freedom House 2010). Transparency International 2004 NIS study also reports that corruption associated with drug trafficking and money laundering activities is increasing at a worrying pace. Money laundering is perceived in the country as one of the most corrupt practices characterising the banking sector (Transparency International 2004).

## 2 Anti-corruption efforts in Sierra Leone

Until recently, the government's response to the major corruption challenges the country is facing has been rather unconvincing and observers largely attribute the Sierra Leone People's Party (SLPP)'s defeat in the 2007 elections to the government's failure to achieve progress on the anti-corruption front (Bertelsmann Foundation 2010). The tide seems to be shifting since the 2007 election, with some indications of the leadership's will to more effectively tackle corruption. In particular, President Koroma has taken some active steps to hold public officials accountable and fight abuses of office. For example, Ministers now have to sign performance contracts including criteria that they have to meet in order for them to keep their office. These efforts seem to be recognised by Sierra Leone citizens a genuine commitment to fight corruption: according to TI's 2009 GCB, 64 % of the respondents assess the government's actions in the fight against corruption as effective.

### Legal framework

According to Global Integrity 2009, the legal framework to fight corruption is in place, with the anti-corruption law rated "very strong" in the latest iteration of the analysis.

The country enacted its first anti-corruption law in 2000 which created the Anti-Corruption Commission (ACC), tasked with probing corruption cases both in the public and private sectors. The Anti-Corruption Act was revised in 2008, giving the ACC prosecutorial powers and strengthening its investigative capacity. The new law eliminated the need for the justice minister and the attorney general to approve each corruption prosecution. The amendment also added new crimes for indictments and increased penalties for some corruption offences.

The new version of the law also introduced provisions requiring all public officials, regardless of rank and positions, to declare their assets within three months of taking office. However, in practice public officials still only partially comply with these asset declaration requirements. President Koroma attempted to give a signal in this regard by declaring his own assets in 2008 (Freedom House 2010).

According to Freedom House 2010, there are no broad provisions to promote public access to government information. While official information - including sensitive information such as financial disclosure forms - is published on internet sites to some extent, it is often incomplete or not updated on a regular basis. In addition, many citizens lack internet access. According to Freedom House's Freedom of the Press 2009, only 0,2% of the population accessed internet services in 2008, in spite of at least five separate internet providers operating in the country.

### Institutional framework

#### *Anti-Corruption Commission*

The ACC was established with DFID support in 2001 as an independent commission to investigate government corruption. Its first major action led to the conviction of the former Minister of Transport and Communications for illegal possession of diamonds in 2003, which was later overturned in appeal (Global Integrity 2009).

The commission's political will to fight corruption has been since questioned on many occasions. In November 2005, the head of the ACC himself was sacked on suspicions of corruption. In 2007, the British government withdrew its support, claiming that the ACC was not given broad enough powers. Following the

election of President Koroma, the powers of the ACC have been extended by the Anti-Corruption Act 2008 and a human right lawyer has been nominated as the chair of the ACC. A telephone hotline as well as a web page has been established to allow members of the public to report corruption. The ACC has also embarked on extensive awareness raising efforts to educate the public about its mandate and newly established reporting mechanism (Freedom House 2010).

The ACC's performance in fighting corruption has greatly improved since. According to the 2010 US Department of State country profile, ACC's investigations conducted since 2008 have led to the removal of at least 13 officials, including two ministers, the vice President chief of staff, a former Member of Parliament. In a number of cases, investigations resulted in convictions and prison sentences. The ACC also managed to recover approximately USD 2 million for the government (US Department of State 2010).

In spite of these notable improvements, the 2010 Bertelsmann Transformation Index reports a high level of impunity for office holders with regard to corruption and considers that progress still needs to be made in terms of systematically applying legal mechanisms against abuses of office.

### *The Office of the Ombudsman*

The Office of the Ombudsman came into being in Sierra Leone by the Ombudsman Act, 1997. After the creation of the ACC, it was to work closely with the commission and assist in handling citizens' complaints and petitions to government. In practice, its powers were not broad enough to address complaints and enquiries. The reputation of the office was also damaged when the individual who served as ombudsman from 2001 to 2007 was later alleged to have been involved in corruption (Freedom House 2010). President Koroma has since appointed a former Judge who was also former Speaker of the House of Parliament, Justice Edmund Cowan as the new ombudsman.

### *The Office of the Auditor General*

The [Office of the Auditor General](#) was established shortly after the nation gained its independence in 1961 with the mission to audit all government activities and operations and to submit timely reports to Parliament. The department has since considerably increased in size and additional legislation has been enacted to allow it to fulfill its mandate. The Audit Department issues reports first to the audited to address all unanswered questions, then submits its annual report

to Parliament. Annual reports are made public on the auditor's website.

However, in practice, the role of parliament is constrained by lack of resources and capacity to effectively fulfil this function (Affiliated Network for Social Accountability 2010). The Affiliated Network for Social Accountability calls for strengthening the oversight role of Parliament in Sierra Leone by establishing partnerships with CSOs and research institutions to increase its analytical capacity and information base. It also recommends creating a strategic planning and research unit to coordinate research, planning and monitoring and evaluation needs of Parliament to support the capacity development of all Parliamentary committees.

### *District Budget Oversight Committees*

According to [Global Integrity 2009](#), District Budget Oversight Committees (DBOC) have been established by the Ministry of Finance in all 12 administrative districts in the country. DBOC are composed of ordinary citizens who are monitoring the implementation of public services and contracts awarded from public funds and can report potential discrepancies and irregularities to the Ministry of Finance or the ACC. Reports by the DBOC have indeed resulted in investigations by the police or the ACC.

### *Other stake holders*

#### *Media*

Freedom of speech and of the press are in principle guaranteed by the constitution. Yet, according to the 2009 Freedom House's Freedom of the Press, the retention of the Public Order Act 1965 that criminalises libel, is used to control what is published in the media and restricts in practice the exercise of these rights (Freedom House 2009). In particular, the coverage of high level corruption reportedly provokes state repression (Bertelsmann foundation 2010). Under legislation enacted in 1980, all newspapers must register with the Ministry of Information and pay sizeable registration fees. In 2009, Sierra Leone was ranked as having the 115th least-free press in the world out of the 175 countries surveyed (Reporters without borders 2009). Poor journalistic training combined with some instances of self censorship and corruption within the media weakens the quality of news coverage (Freedom House 2009).

In spite of these restrictions, there is a strong journalistic tradition in the country, as reflected by a number of newspapers, many of them being openly critical of government (Freedom House 2010).

However, print media is not widely read in Sierra Leone, especially outside the capital city, partially due to the low levels of literacy in the country. Print journalism also faces capacity challenges due to lack of training and resources. Against this background, radio remains one of the most-popular and most-trusted media in Sierra Leone.

### *Civil society*

The democratisation process has supported the emergence of a civil culture that manifests itself in a growing number of civil society organisations in the areas of business, trade unions, women and human's rights (Bertelsmann Foundation 2010). In particular, in the area of anti-corruption, Transparency international's chapter in formation, the [National Accountability Group](#) is dedicated to achieving greater accountability in the public and private spheres. While the country rates very strong in terms of civil society organisations in the 2009 Global Integrity index, some observers argue that organisations that have both the interest and leverage to engage with public life remain largely urban and middle class, while the interests of the poor – including women – remain largely under-represented at the national level (Bertelsmann Foundation 2010).

### *The international community*

As a country heavily dependent on foreign assistance, Sierra Leone strives to maintain good relationships with both multilateral and Western bilateral donors. Both previous and current leadership also strive to develop closer relationship with countries like China, Libya, Cuba and Iran in order to diversify its dependency profile (Bertelsmann Foundation 2010).

In terms of anti-corruption, the international community has played an important role in supporting the government's anti-corruption efforts, in particular through the financial and technical support provided to the ACC. Eventual withdrawal of donor support could compromise the ACC's long term sustainability. In order to address this challenge, Freedom House 2010 recommends intensifying the collaboration with civil society organisations to gain public support for oversight and investigative agencies.

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