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Report Paper



CLOSE, CONTESTED BUT CREDIBLE? SIERRA LEONE'S 2023 ELECTIONS

Afolabi Adekaiyaoja

August 2023



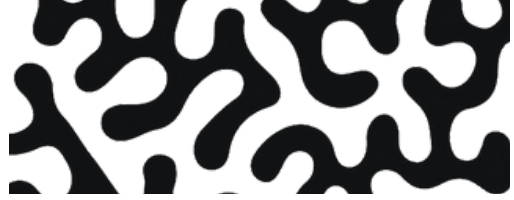
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ABOUT THE AUTHOR

Afolabi Adekaiyaoja

Afolabi Adekaiyaoja is a Research Analyst at the Centre for Democracy and Development. His research focuses on the politics of policy, institutions, and governance. His writing has featured in Foreign Policy, Stears, African Arguments, Africa Is A Country, Culture Custodian among others. He has a Masters in African Politics from SOAS and a BA in International Relations from Queen Mary, University of London.

The Author appreciates the extensive edits of Jamie Hitchen, as well as the insights garnered while serving on the observer mission of the West African Democracy Solidarity Network (WADEMOS) and the support of other colleagues at the CDD, which proved invaluable to the completion and publication of this paper.



On 27 June 2023, incumbent President Julius Maada Bio was declared the winner of the Sierra Leone presidential election by the Electoral Commission of Sierra Leone (ECSL). Bio's victory maintained a record of incumbent presidents, since 2002, recording first round victories during their re-election bids. His 56.2% share was just above the 55% threshold required to win without a run-off, and a full 15% clear of his nearest challenger, the All People's Congress (APC) candidate, Samura Kamara. In parliamentary and local council elections, held concurrently, the ruling Sierra Leone People's Party (SLPP) won 81 of the 135 seats for which elections took place and secured control of 12 of the 22 district and city councils.

However, these results were disputed by the APC, with concerns also raised about their statistical credibility by leading international election observer groups. But rather than challenge the outcome in the courts, the APC has chosen to boycott seating of the national and sub-national legislative bodies whilst demanding a re-run of the elections, but only after the resignation of key institutional heads, including that of the ECSL. Although these demands will not be realised, the APC's non-participation in the governance of the country could pose wider questions for the credibility of Sierra Leone's democracy.

A credible count?

A fixture of African elections is the plethora of organisations, both domestic and foreign, that deploy election observers to observe polls. Concerns about violence in the aftermath of a keenly contested election in Sierra Leone were behind the presence of many former African leaders – former president and vice-presidents of Nigeria and the prime minister of Ethiopia – as heads of election observation missions. But in a growing trend, it was domestic observers, supported by international allies, who were able to present a much more critical assessment of the poll's credibility.

Having expressed concerns about the transparency of the tabulation of results process, observers from the European Union and Carter Centre subsequently called on the ECSL to publish a breakdown of the results by polling unit – to date they have only been released at an aggregated district level – to aid transparency and accountability. In a strongly worded statement, the American, British, French, German, Irish and European Union missions said that they 'share concerns of national and international observation missions about the lack of transparency in the tabulation process'. On the other hand, the continental and regional body-led missions, while highlighting the logistical deployment shortcoming that delayed voting on polling day, were ultimately less critical of the process and chose to focus on the more positive aspects of the poll.



Contestation about the accuracy of the presidential and legislative results, announced by ECSL on 27 June and 1 July respectively, centres on four main issues: regional splits in popular participation in the presidential election, the accuracy of a parallel vote tabulation (PVT) undertaken by civil society network, National Elections Watch (NEW), low levels of invalid votes, and notable discrepancies between the different election races. invalid votes, and notable discrepancies between the different election races.

Turnout

Given Sierra Leone's ethno-regional political divide, it is not surprising that 65% of the total votes won by Bio were in six southern and eastern districts – Kailahun, Kenema, Bo, Pujehun, Bonthe and Moyamba. But there are questions surrounding the 93.4% average turnout in these districts, which was significantly above the 83% national average. At the same time, turnout in APC strongholds in the north and west averaged 75.6%. Greater participation in ruling party strongholds could reflect high levels of popular support for Bio or even that ballot box stuffing took place, though there is no conclusive evidence available to support this assertion. Equally lower turnout in the northern and western areas, historically APC strongholds, could point towards voter suppression. Logistics challenges were most pronounced on election day in the two Western Area districts aiding a perception that the APC was not contesting on a level-playing field; a narrative that it had sustained during, and before, the month-long campaign period. Internal APC issues also played a part in the outcome of the vote. Dwindling faith in the opposition party and its choice of candidate among some of its supporters, alongside mixed messaging about its willingness to participate in the elections given their lack of faith in the credibility of the ECSL, likely had an impact on its supporter's turnout.

Parallel vote tabulation (PVT)

The PVT undertaken by National Election Watch (NEW), a coalition of civil society organisations that deployed observers, provoked significant debates and discussions. This was not NEW's first time undertaking a PVT in Sierra Leone – in 2018 it accurately predicted the presidential results in both the first and second rounds for both leading candidates within one percentage point. Undertaken using a sample of 6.1% of polling units, in line with best practices deployed elsewhere on the continent, its 2023 projection was that no candidate would secure the votes required to reach the 55% threshold in the first round. With a 2.7% margin, plus or minus, of error it estimated that Bio would win 50.4% of the vote and Kamara 46.5%, meaning that even in its best scenario for Bio he would win 53.1%. NEW's projections did not suggest that Bio would not have eventually won, but that he would have to return to voters in order to secure that mandate. The PVT also raised concerns about voter



turnout figures. It projected turnout of 77.3% with a margin, plus or minus, of error of 1.7% - official results put it at 83%. With Bio just making it above the threshold to avoid a run-off, marginal gains earned, legally or illegally, had a significant impact on the outcome.

Invalid votes

A third point of contestation was the dramatic drop in the number of invalid votes recorded in this election across presidential, parliamentary and local council polls. Having averaged 5.7% in first round of presidential polls since 2007, in 2023 just 0.4% of presidential ballots were declared invalid by ECSL; a figure that was consistent across legislative and local council races. Although, as is the case in almost every election, there had been voter education campaigns prior to the polls, adult literacy in Sierra Leone is still less than 50% according to 2021 World Bank data. Furthermore, many commentators stated that there was some confusion or contention surrounding the proportional representation voting system for legislative seats. For that confusion not to reflect in the number of invalid votes is surprising, let alone for a tenfold decline in invalid votes to be recorded.

The ECSL has yet to provide an explanation for this dramatic shift in voter competence. In lieu of an official explanation, and linked to the projections of the PVT, political opponents have contended, albeit without robust evidence, that many votes that should have been declared invalid were likely awarded to Bio, boosting his totals nationwide, during an opaque tabulation process. To sustain these arguments, opposition parties need to present evidence from copies of the polling unit results forms. Whilst ECSL can also remove doubts by publishing the full breakdown of results at the polling unit level to confirm the accuracy of their figures.

Discrepancies across races

Finally, discrepancies between the presidential results announced on 27 June and those released on 1 July for parliamentary races raise further credibility concerns. In Western Area Urban and Rural districts, which includes Freetown and its environs, turnout increased 13.5% for parliamentary elections despite these taking place at the same time on the same day – with turnout in Western Area Rural an implausible 98.5%. Given that Sierra Leone changed from a first-past-the-post to a district block proportional representation system in this election, voters were choosing a party, not an individual candidate, in the legislative election, makes such discrepancies harder to explain. Naturally some voters will choose not to vote in all races, but for more than 100,000 to not vote for president but vote for a parliamentarian in Western Area Urban, or for more than 80,000 voters across Falaba, Bo, Bonthé and



Bonthe and Moyamba districts to vote for a president and then not cast a vote in parliamentary elections, when ballots were issued at the same time, needs further interrogation. Notable switches in support for candidates are perhaps more explainable, but require an analysis of district-level politics to understand why APC gained a 16% increase in its vote share in the parliamentary elections in Falaba as compared with its presidential performance, whilst the SLPP was able to do the same in Karene (13.7%) and Port Loko (19.7%). As these outcomes offer a challenge to long-held assumptions of voters choosing to vote the same party all down the ticket in Sierra Leone.

Yet regardless of the perceived or actual credibility of the outcome, the figures announced by ECSL will remain the final results of this election with the 21-day period for challenging the results in court having expired on 19 July 2023.

Institutional issues

The APC's decision to eschew the legal route, even though it rejected the results outright, in favour of a boycott of national and sub-national legislative bodies and a call for the resignation of heads of key institutions such as ECSL, the judiciary and the Sierra Leone Police (SLP), points to its diminished trust in the credibility of critical institutions which it believes have been politically captured. The APC's concerns about the 'independence' and neutrality of many of the institutions involved in shaping or managing the elections were not without basis.

The election management body

ECSL Chief Commissioner, Mohamed Konneh, was appointed to the role in July 2020 by President Bio, following parliamentary approval, even as the APC voiced its strong opposition to the decision, with all regional commissioners in 2018 also replaced. During by-elections held before 2023 both parties were able to secure narrow victories in contests overseen by his Commission, though several were marred by incidents of localised violence. But as was noted by the European Union election follow-up mission that visited Sierra Leone in 2021, the need to build trust in the neutrality and independence of the national bodies that play essential roles in the elections remained paramount. This did not exist as Sierra Leone's election approached and meant that shortcomings in preparations – particularly around the voter registration process and the displaying of final voter register - and around the conduct of the election itself – with logistics delays causing large queues on election day in Freetown and the lack of party oversight of the tabulation of results at regional tallying centres leading to concerns about transparency – were seen as being driven primarily by partisanship. The APC's lack of trust in ECSL was expressed clearly before



the election, but has hardened further in the aftermath, given the credibility concerns of the results announced.

Institutional issues

The decision to switch away from a constituency-based model to a proportional representation system for the parliamentary and local council races, made by ECSL in late 2022, and given legal backing by the Supreme Court in January 2023 aided the ruling party's electoral chances. Whilst it did favour them, it is also important to point out that in 2017, the APC gerrymandered constituency boundaries in such a way that it was initially able to secure a parliamentary victory in the 2018 elections – despite losing in the presidential race - before a series of controversial court rulings overturned its majority. The May 2019 decision of the High Court to not only cancel the election of 10 APC MPs but, in nine cases, to replace them with the SLPP runner-up without a by-election, in apparent contravention of Sierra Leone's legal jurisprudence, was one of the main reasons for the APC's growing distrust in the independence of the judiciary - along with its role in the reconstituting of the party's constitution and national executive, its elongated corruption case against Kamara and the backing provided to the switch to proportional representation. All these factors shaped the decision of the party not to prepare a legal challenge to contest the June 2023 election outcome.

Security agents

The partisan nature of security agencies, in particular the SLP, also saw renewed focus during the election period. The SLP was quick to resort to the use of force in responding to political incidents in the run-up to, and during, the election campaign, providing very limited space for any form of popular protest to take place; a pattern that extended beyond the immediate campaign period. Its use of force was largely directed towards the APC presidential candidate and supporters, with complaints made by the party throughout the campaign that its efforts to engage voters, particularly in southern and eastern districts, were made more difficult by the security agencies. Two incidents – one a week before and one two days after the elections – outside the APC party offices in Freetown saw the police deploy tear gas and even use live rounds against APC supporters and members. In the latter incident on 26 June, one individual inside the APC offices was killed. Despite public statements by the security agencies, which echoed the sentiments of President Bio, stating their commitment to maintain peace and security in the country, there continue to be concerns that this commitment to stability is also a commitment to ensuring the maintenance of the status quo.



New and familiar faces

The 2023 parliamentary and local council elections were held under a district block proportional representation system last used in 2002, they were also the first polls to be held following the passage of the Gender Equality and Women’s Empowerment Act of 2022 which required all political parties to nominate a woman for at least one in every three candidates on their party lists. A commitment they largely adhered to. Of the 135 directly elected representatives, 41 are women in this parliament – 29.6% of APC MPs, if the party takes a decision to reverse its boycott of the legislature; and 30.9% of SLPP MPs – with female representation largely consistent across the 16 districts. When the additional 14 seats reserved for paramount chiefs are included, of which there is only one woman, the share of women in parliament will be 28%; more than double the 13% recorded in the last parliament. Greater female participation and representation – in the legislature and in Bio’s cabinet announced in mid-July - is welcome but the responsibility for advancing the rights of women and girls in law and practice should not rest solely with these legislators.

But whilst the 2023 elections saw significant progress for women’s representation, the very high threshold introduced to win a seat in a district under the district block proportional representation system – 11.9% - has eradicated smaller parties and independents that were a feature of the outgoing legislature. The two historically dominant parties in Sierra Leone – APC and SLPP - won all the parliament seats in 2023. Notwithstanding concerns about the credibility of the results, this was a reality many analysts expected. The National Grand Coalition (4 seats) was already a dwindling force before it agreed an alliance with the SLPP, whilst the Coalition for Change (8 seats) was barred by the courts from standing candidates due to issues with its executive structure. Whilst proportional representation has the potential to aid efforts to enable for greater political plurality and representation at the district level, and could even begin efforts to break down well entrenched ethno-regional divisions that characterise the country’s politics. For that to happen there is a need to reduce the threshold required to win seats, for it to be implemented alongside sustained civic engagement on voting on issues rather than other basis – with parties to set out credible issue-driven visions in their manifestos – and for its introduction not to be seen as political decision done in order to favour a particular party.

Implications and impacts

Democracy in West Africa is under threat. Military coups have deposed democratically elected leaders in Mali, Guinea, Burkina Faso and most recently Niger. Efforts to limit the space for opposition have characterised the political space in Senegal in the last year, and the results of the 2023 Nigerian elections are still being contested by the two runners up, but ultimately saw a leader elected with just



Whilst question marks raised about the credibility of the results announced on 27 June are unlikely to be answered given the lack of a legal challenge, the fact that the opposition APC has decided not to participate in the governance structures of the country – all but one of its elected members have not taken their seats in parliament – is not likely to aid the scrutiny and accountability that are core tenants of any democracy. Furthermore, the election has arguably entrenched ethno-regional divisions in politics and risks furthering the perception that key institutions, and even non-state bodies, are unable to maintain their independence from the ruling party, whoever that may be. This could even risk undermining the very foundations on which the legitimacy of the state is based.

On the positive side, these are not new issues in Sierra Leone, and the fact that elections have seen two peaceful transfers of power since 2002 points to the possibility of these obstacles being overcome. But that will be more difficult if the space for civic engagement and debate continues to shrink. Sierra Leone's score dropped from 65 to 63 in the 2023 Freedom in the World ranking and the limited space afforded to popular protest or even public criticism of the government, a trend that has increased during the last five years, is a concern.

Recommendations

1. ECSL should undertake an internal review to understand prevailing challenges, that impacted on its logistical shortcomings and credibility issues during this election. ECSL faces a reputational challenge and must address this ahead of future elections. This requires more proactive communication and increased transparency. An important step is the disaggregation of election results.
2. The proposed National Electoral Systems Review Committee announced by President Bio, in his address to parliament on 3 August, should be headed by an independent panel if it is to be perceived as credible by all key stakeholders.
3. The dormant constitutional review process should be revised with areas of focus in the governance discussions to include clarity on the election system and a debate about the relevance of the 55% threshold.
4. If the proportional representation system is retained, the threshold currently in place that is required to win a seat should be reviewed.
5. Parties should be encouraged to carry out more grassroots mobilisation and training of candidates to promote inclusion – women, youth, people with disabilities etc – to embed and further more diverse representation on the candidate list ahead of future elections.
6. The Sierra Leone Police should guarantee and ensure that a space for peaceful protest exists in Sierra Leone, through more dialogue-led engagement. Training to support them to do this, can only follow public commitments to create this space from its leadership.
7. There is a need to facilitate and support high-level dialogue between senior figures in both the SLPP and APC that can bring an end to the boycott of national and sub-national legislatures.
8. There is a need for consistent support to improve civic awareness and engagement, to improve public

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Please direct inquiries to:
Centre for Democracy and Development (CDD-West Africa)
Research Department
16, A7 Street Mount Pleasant Estate (CITEC)
Federal Capital Territory (F.C.T) Abuja
research@cddwestafrica.org
cddabv@cddwestafrica.org
CDDwestafrica.org

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Cover Image: Issouf Sanogo/AFP/Getty Images



CDD



16 A7 Street, CITEC Mount Pleasant Estate, Jabi Airport Road,
Mbora District, Abuja, FCT



cddwestafrica.org



research@cddwestafrica.org



[@cddwestafrica](https://twitter.com/cddwestafrica)