



## INNOVATIONS FOR SUCCESSFUL SOCIETIES

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Interviewee: Dr. Clever Nyathi

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JACKSON: This is Rachel Jackson, It is February 26<sup>th</sup>, 2013. I'm here in Bulawayo, Zimbabwe with Dr. Clever Nyathi who was the UNDP (United Nations Development Program) technical adviser to the Political Parties Registration Commission (PPRC) in Sierra Leone in the 2007 elections. Dr. Nyathi, thank you for agreeing to be interviewed.

NYATHI: *Thank you and welcome, welcome to Bulawayo, welcome to my residence, too.*

JACKSON: Thank you very much. I was hoping first you could tell me a little bit about your background before you came to be UNDP technical adviser to the PPRC and how you came into that position?

NYATHI: *Yes, I was proud to take the position in Sierra Leone. I had worked in Zimbabwe for the very first UNDP program on conflict prevention in Zimbabwe. We set up the very first program there. I worked on that for three years. Subsequent to that I did a fair amount of work for PPRC internally and in other places, like Kenya, and helped the UN system during the drawdown of the peacekeeping force. So I did a bit of time in Sierra Leone between 2005 and when I went in as a technical adviser at the beginning of 2007.*

JACKSON: When you first came on as technical adviser, what were the big concerns that you and the rest of the UN had in terms of violence or conflict during the 2007 elections?

NYATHI: *It was very clear that there were two dominant parties and that whereas people were in the mold, that of no more war, were tired of war, that was done and dusted, now they were beginning to look at the internal issues, the governance of the country. It was clear to me and to us, generally I think, in the UN system, that unless that was managed properly over a period of time—I say a period of time because it really required a period of time to sensitive people on how to approach the elections with minimal levels of violence and our feeling was that unless we supported Sierra Leoneans to do that with resources, all kinds of resources, the chances were there was going to be violence and the country could very easily go back into a war situation. That was scary for Sierra Leoneans.*

JACKSON: When you first came on I understand that the PPRC (Political Parties Registration Commission) had not yet really been established even though it was provided for in the law. What was the situation at the time, why had it taken so long?

NYATHI: *I'm not sure why it took so long but my sense is that it is likely because of the war. A lot of things that needed to happen, during the war did not happen. I think the establishment of the PPRC and the attendant law of the Political Parties Act, none of this happened because of the war largely, I guess. So a lot of things needed to be done and time was required. I think it was extremely sensible of the UN to set itself that two-year period.*

*We did a lot of work in that two-year period which I'll describe that made it possible for the PPRC to be formally established as an entity. There were lots of things that happened. There was a draw down of the UN peacekeeping force, but at the same time there was a concerted effort to build capacities of political parties and we undertook, in a very deliberate manner, to build the capacity of the major political parties, there were seven registered then from 2005 through to*

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*2007, we undertook to build the leadership of the political parties at the national level and also at provisional level and how to deal with issues of violence and conflict, how to manage it, how to try and resolve it. So at least there is some semblance of knowledge, of approach. This is what was lacking.*

*Following on that, I think, there was a sense that once we could approach the elections without violence if we followed these methodologies, the biggest step in 2006 was to bring them together to develop a code of conduct for the elections. This was another major step towards a very deliberate two-year process to get to the elections in 2007.*

JACKSON: I understand that when you came on, the PPRC didn't have any dedicated funding, there was no staff officially designated to the PPRC. What were the first steps that you took when you came on as an adviser?

NYATHI: *To be perfectly honest, the first day I went to the PPRC office I was shown an office and that was it. There was no desk, no chair, there was absolutely nothing. So we were basically starting from scratch. The biggest task for me was to ensure that there was some semblance of funding to put a minimum administration in place because there was absolutely nothing. Through the resources of the UN and others that came in afterwards, we were then able to really create an environment of an office, of an organization, with a structure, with a conference room, with telephones, with computers, with the Internet. All of these things were brand new. So we really had to start from the very beginning and be dedicated to ensuring that the resources were made available through any organizations, but principally for me, through my own organization, the UN. So the start was from zero, absolutely from zero and built up to what it was when I left in 2007.*

JACKSON: I understand that Sierra Leone is unique in having two electoral management bodies. When you first came on, was it hard given the secondary prominence of the PPRC to get support and funding for it?

NYATHI: *The answer is yes but you really can't blame the funders because the institution was nonexistent. Once the work of the institution became known and the sort of things that it was doing, particularly at the community levels, it became apparent that this was an institution that could make or break the elections. Support came quite rapidly, I mean, from a zero state at the beginning of 2005, to magnificent offices by July 2007. I think it was just the confidence that here is an institution that can work with the National Electoral Commission.*

*The good thing is that it was not a competitive process. The roles fortunately are very clearly delineated in the Constitution. There was no chance of stepping on each other's toes so to speak. The roles are very clear in the Constitution.*

JACKSON: I was wondering if we could first talk about the process of negotiating the code of conduct with the political parties. I understand that that started in early 2006. Could you tell me a little bit about the first steps you took and then the strategy for bringing all the parties to a consensus?

NYATHI: *A number of things were important for me. The training of political parties in conflict mediation processes, in negotiation skills was absolutely important. We had to bring in a whole range of people, so this is where we failed sometimes.*

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*We needed to help each other with knowledge about how to negotiate, how to approach dialog without making it a debate, a point-scoring debate. That was absolutely crucial from where we were coming from. That's when we started capacity development in these areas.*

*The second thing that was important was because the management skills within the PPRC were virtually non-existent we took a lot of time to build on-the-job management skills of the commissioners and the secretariat. We brought in management experts to help them understand the basic principles of how to manage an organization like that.*

*The commissioners came from varied points, from labor, from the legal profession. Very often it is difficult for lawyers to understand that there is another way of reaching consensus, reaching agreements. One of the major things that we did was to send the commissioners to the Folke Bernadotte Academy in Sweden to learn how to engage in conflict resolution, conflict management, negotiation skills, mediation skills, all of those entities. I can tell you when they came back, even the legal persons, their approach to their work was very, very different.*

*I mention these things because leading up to the negotiation skills for the code of conduct, you had a commission that was already pretty much well versed in how to approach these negotiations. Okay, we were there from the UN, but it was their process. We tried not to have any fingerprints but rather footprints from the back, but they ran the well-attended process that had very, very intense negotiations for two-and-a-half days. All the political parties were represented, each of the registered political parties were represented by five persons: civil society in very huge numbers, the donors were there, the civil society organizations were there, the police were there, the media was there. It was a totally inclusive negotiation process and everyone participated.*

*The inclusiveness of the process was important. So when the agreement was finally made and someone said, "I move that we adopt this as the Code of Conduct for political parties" there was such a huge relief, a huge relief, you could feel it. The code of conduct has never faltered in Sierra Leone. I think one of the reasons is the way it was approached. It was all inclusive, but also making sure that the primary persons involved, the PPRC and the political parties, were very much focused on the issues of how to negotiate, how to make deals where everybody is a winner, how to dialog rather than debate, the scope of all those things, needed to be done. So I think that is really what made it successful.*

JACKSON: Were there any parties that were initially resistant to either the training or to coming in for negotiations on the code of conduct?

NYATHI: *The ruling party was on both accounts. For the initial trainings when we wanted senior persons, they sent in middle level management. But eventually I think everyone began to see the usefulness of our approach. The major training that we held was for the senior political party leaders, the keynote speaker was the president of the country and the vice president was there and the majority of the ministers were there. That's how high it was. From then on things went fairly smoothly; they attended, they participated.*

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*It was a similar issue with the development of the code of conduct. The ruling party was the ruling party, perhaps a bit arrogant. But once the process of negotiations started there was absolute consensus on which way to go. Why? It was because we didn't group then into the old political parties. People were spread out. Over a hundred people, divided into ten tables, agreed to negotiate on a particular point and agree at the table and bring it to the larger forum. So these were hard negotiations irrespective of which party you belong to. So in the end it is a process that worked really well, I think.*

JACKSON: Were there any particular aspects of the code or any sticking points that were harder to negotiate than others?

NYATHI: *Yes, the issues of what you do with persons who transgress, with political parties that transgress. What sort of punishment? Who does the punishment? But in the end we took a very firm decision that when people broke the law there were sufficient laws to deal with it. But where political parties simply misbehaved, naming and shaming at the location where this happened would be the most appropriate. That was the approach that was taken. The naming and shaming in a bruised society is very important. Sierra Leone is severely bruised. So that aspect was the most contentious.*

JACKSON: I understand that the district code of conduct monitoring committees came out of that idea of identifying people who transgressed and then making public their transgressions. Can you tell me a little bit more of the origins of that concept, where the idea came from to use these committees?

NYATHI: *Yes, right near the end of the negotiation process of the code of conduct, there was a very strong feeling that, "Okay, you have a code of conduct, so who is going to monitor it? Who is going to monitor and ensure that the code is not broken and there are no transgressions"? So right at the end of that negotiation process one of the things that was agreed was that there should be a code monitoring committee under the leadership of the PPRC. That was part of the agreement. All the political parties were involved; that was part of the agreement.*

*The agreement went further to articulate who should be a member of the code monitoring committee. At the national level, the committee is headed by the PPRC, the Political Parties Registration Commission, the NEC, the National Electoral Commission, and the NDC, the National Democratic Commission. Two members of each of the political parties became members. The Sierra Leone police service became members. The faith-based organizations became members; civil society had two seats. So it was a very broad-based, very targeted code monitoring committee at the national level.*

*Further agreement was made that this should now be cascaded to the four or five provinces and down to the thirteen districts. So it was a very deliberate process. If there is a problem at the district level try and deal with it there before it escalates into something big. If you can't do it then you escalate it to the district. If the district can't deal with it escalate it to the national. So it was a very well articulated, monitoring mechanism, very inclusive.*

*I think, and I did say in my final report, that all credit for a large part of the peace process during that election must go to the district code monitoring committees.*

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JACKSON: Once the code of conduct had been settled by the political parties and publicized, what were the first steps that you and the PPRC took in terms of operationalizing the code, in terms of putting the structures in place?

NYATHI: *It was easier to put the national structure in place because everyone knows Freetown at that higher level. The structure was chaired by the chair of the Commission. That was really important. Once this national structure was established a decision was taken that the national code monitoring committee should tour each of the four or five provinces and this is what they did. A big town hall meeting was called in Freetown, in Bo, in Kenema, and in Makeni, these major centers. A big town hall meeting was called to explain what the code monitoring committee was about, who was going to be in it, why all these many people.*

*Once that was done, the regional or the provincial people then formed these committees that were then approved by the head office in Freetown, but it went further. Once these persons were identified, exactly identical in terms of composition to the national structure, we made every effort to bring all of them into Freetown and give them training on conflict mediation. That was important because you don't want to just send people who don't have the wherewithal of how to deal with these issues. So it was important to train them, to understand different types of conflicts, how they are resolved, how they are mediated and so on and so forth. All the paraphernalia surrounding the issues of conflict mitigation, all that knowledge was imparted to every single one of the fifteen or so members of the provincial code monitoring committee.*

*It was necessary to do the same at the district level, but because we couldn't do it fairly quickly, we then trained a cohort of the Sierra Leoneans that we picked from the various trainings when we thought they had the knack for training. We gave them training in the trainer program and then cascaded them into all the districts, the fourteen, fifteen districts. So each one of the members at national, regional, provincial, district level had a fairly good background knowledge on conflict mitigation. So that is how this was approached.*

JACKSON: I understand that the participants were all nominated by their organizations. Were there challenges in making sure that you had people who were interested in participating who understood the mission of the committees and who were willing to do the necessary work?

NYATHI: *Nominations were made, but not in all cases were they the best persons. I think this is understandable. The important thing for me as the adviser to the commission, by extension, particularly at the national level and at the provincial level, was to sit down with persons that we thought had a challenge, a personal challenge of how to relate to the rest so that it is a single team. That seemed to have brought a lot of people around but it also made a few people leave and say, "I can't deal with it, maybe someone else should".*

*Again that very strong relationship between the commission and its various code monitoring committees was an important one. I recall distinctly one person who we felt was so tainted during the war that he was finding it difficult. So, all power to him, he could contribute somewhere else. But this relationship of trust between myself and the commission, and its various bodies at the various levels is further illustrated by the number of telephone calls that I received from the districts, from*

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*the regions, from the provinces and from the commissioners themselves. So it was a really truly 360 degree knowledge sharing especially as the elections approached. I ended up with three mobile phones because the phones rang all the time. It was also important to answer those calls and never say you can't call at 3 o'clock in the morning, but seem alert and interested and offer suggestions because something might happen in the morning. So there was a very strong relationship amongst everyone involved.*

*I think to a large extent that carried the day but yes, there were challenges to some participants.*

JACKSON: I understand at this time the majority of the PPRC staff was on loan from other agencies and other ministries. Did that present challenges in terms of getting these committee structures into the districts?

NYATHI: *That posed challenges beyond getting the code monitoring committees working. It created challenges even within the commission. Hence the need to have more than one team-building exercise so you have a more cohesive team. But also remember these were civil servants who were competing for possible positions. It was precisely for that reason that at the end I suggested restructuring of the commission be made. I went into some fairly great detail as to how the restructuring could be done. I also made it clear that the restructuring—and this is on record, on paper, that in the restructuring each member of the Secretariat must be prepared not be taken on in a restructured process. It was good to be upfront and I think that helped the restructuring. Subsequently that happened and indeed some were not taken.*

*I think we always want to remember that the war devastated any form of administrative capability in Sierra Leone. So almost in every institution we were starting afresh. Where you had persons they were there because a position needed to be filled and not necessarily the best person. But I think what PPRC did, made them feel that they belonged by giving them basic administrative skills, team-building exercises, knowledge in the field they were working in, mediation of conflicts among political parties, and I'm talking about from the most junior driver right up to the commissioner, everybody underwent that. That's how the team was built. Even with that it was clear that some were more useful to the commission than others and that some would likely stay longer on the commission than others. At the end that is what happened.*

JACKSON: I understand that at this time there was a bit of turmoil in terms of the commissioners, the first commissioner ended up resigning because of health reasons I believe. Could you tell me a little bit about how you navigated those issues?

NYATHI: *Remember, the chair of the commission must be a judge of a very high stature. The chair that I met for the first time was a former chief justice, I believe. But those early days were very difficult because not all the parties had full confidence in the PPRC, not all of them. It was very difficult, particularly for a person who comes from a legal background, was a chief justice. What a chief justice says goes down. In the end I don't know if it contributed to his health problems, this is mere speculation, but in the end he went to the UK (United Kingdom) and resigned from there on health grounds.*

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*Then a very vibrant former chief justice was appointed. I remember his first days, may he rest in peace, he wanted to bring a legal solution to what was really supposed to be a mediated solution because the PPRC is constitutionally mandated as mediation. That is its constitutional mandate. But I think it took some time. You can understand this. This is an 80-year old former chief justice who is totally engrained with the issues of law and how to deal with transgressions. It was not until I sent the commission to the Folke Bernadotte Institute in Sweden for training on mediation that the whole thing changed. They became absolute champions.*

*One of the commissioners when I left was trying very hard. He was a lawyer, too, but not the chair, as one of the lawyers representing the Bar Association, he was intent on creating a court-connected ADR (Alternative Dispute Resolution) mechanism as part of his side interest. This comes from the training they received. So yes, it was very difficult but I think if one is able to make people see many different sides and point them to their mandate as required by law, by the constitution, the ability to articulate that I think was so important. To be able to say, "Look, I'll take the whole commission so you can see for yourself. I won't go—I used to train at Folke Bernadotte myself. You go there. If you're still not happy when you come back, well let's have another conversation". But that was not necessary.*

JACKSON: Could you tell me a little about the role that the other three commissioners played? I imagine with their other jobs they were also quite busy during this time. How involved were they in the operations?

NYATHI: *The other three commissioners, other than the chair, were much involved. You can understand the chair of the Electoral Commission has a full mandate of her own. She never missed a formal commission meeting. She never missed a meeting. With the code monitoring committee she made sure that one of her staff was a member of the code monitoring committee at the regional level and at the district level. So the Electoral Commission chair was involved to the extent that she attended meetings absolutely and I know that she read the documents.*

*I produced an advisory note every week to the commission. The other commissioner, in the labor movement, was very committed and the third one was a lawyer with his own legal practice. But I addressed each one of them on the specific issues that they needed to attend to. I was brutal, but in a nice way that grew the commission. That needed to be done. In many ways it was better if it was done by a non-Sierra Leonean, otherwise you tend to abuse relationships and others are not very nice.*

*I think people will respect you for saying what needs to be done. It is the way that you say it that is important. Even to this date I still have very good communications with the commissioners and the secretariat persons who were there. I think the way we approach our work as advisors is as important as the output of the commission. Our personal demeanor is extremely important. Be hard on the problem but soft on the person; that is the approach.*

*In the end, once people know you mean well they will do anything for you. When I left, I was at the point where I felt that if I said this was perhaps the best approach to take, even if it was wrong, they would probably go along with it. That's how much confidence we had in each other. Every time I received a*

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*telephone call from anywhere in the district, I would call each of the commissioners, no matter how late it was. So every single one of them worked in their own different ways. If they didn't have time, I met them in their own places. I went to the legal office of one of the commissioners, to the labor office of the other. Many times I was at the Electoral Commission because the commissioner couldn't make it but I needed to explain a point. So all of this in totality, I think, made a successful commission, a commission that delivered on its mandate, at least up to that point.*

JACKSON: I was hoping we could talk about when the committees first started mediating conflicts, dealing with conflicts. What was the experience with the early stages of them actually starting the mediation processes?

NYATHI: *These were not always friendly encounters as you might expect. The members of the code monitoring committees were not so sure if their approach was right, they had just been trained three weeks before. "Am I doing the right thing? Am I going to make the thing worse"? So there were tentative steps and they would call to ask, "This is the situation here, we think it will escalate. We think they might burn a house next door tomorrow. What do you suggest we do"? So there were tentative steps and that was perfectly understandable in a situation like that. So some mistakes were made. Fortunately none were fatal, but those mistakes were very good points of learning for the rest of the team.*

JACKSON: Can you give me some examples?

NYATHI: *For example, I think it was in Bo, when they first started. I think people thought that this is when all their problems would be solved. I think unintentionally the manner, rather than saying, "Okay, let me call everybody so we can sit down together and look at it collectively because I'm on my own", I think the language perhaps was "Go away, I can't deal with it now, I'm too busy". But we spoke openly about this as one of the learnings.*

*I said to them, "Look, this is your very first one. It is okay to make a mistake but perhaps it might be better not to do it again this way. Try maybe softer language. Try maybe getting people to sit down and to tell them you are connecting with other people so they know at least you are doing something about it". There were many of these sorts of learnings in the initial stages. But in the end, people would come in and they would be seated. The committee would consult even with other provinces and possible approaches. Very often they would call me and say there was a similar case in such and such and to check how they dealt with it. I would put my own input into that.*

*It really became a collective national effort. It was important to let it go that way right from the beginning. If they're not fatal mistakes and fortunately none were fatal, none were attributable to the commission as mistakes that really led to a problem.*

*Also I think, especially at the district level, the code monitoring committee became a sounding board not just to resolve, but to get a feel for what the situation was. It was an excellent early warning mechanism.*

JACKSON: When you would get those early warning signs, say one of the districts calls you and nobody has brought a complaint, but they've started to hear of possible

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problems. How would you deal with those? I understand that under the way the committees are structured somebody has to actually bring the conflict to them formally, is that correct?

NYATHI: *No, they can be proactive, absolutely. They can be proactive. That is their role. If there were elections, they met say once a week. If someone says, "Well, I'm hearing this from such and such a village that something might happen", the committee might go and visit. So they were proactive, especially as they got to know the ropes of how to do it and which points to touch when things happen and who to call when things become difficult.*

*I think to a large extent the success in 2007 in the problem districts was likely because of the early warning signs but also the early actions that accompany them.*

JACKSON: I understand that most of the activity was in the districts or at the provincial level. Was the national committee meeting regularly and were there any conflicts that came up to that level?

NYATHI: *I don't remember any challenge, any conflict that was not resolved locally, but I do know that the national committee dealt quite a bit with the Freetown issues.*

JACKSON: Because Freetown also has its own district?

NYATHI: *It has its own district but it is housed at the commission so it was easier, at least it was then, since this was where the hotbed of issues were, it was easier for the commissioners to congregate around them and deal with the Freetown provincial issues. But by and large, I would say power was in the district committees.*

JACKSON: Because my understanding is that the national committee has sort of taken a back seat in general to the activities in the districts and the provinces, is that a fair characterization?

NYATHI: *You know it has been five years. But if that is the case I feel comforted because it means things are happening the way they are supposed to be happening. You deal with the conflicts, with the violent conflicts, where they are based so that they don't escalate. So if the national committee is sort of laid back, it is a good sign.*

JACKSON: I understand that the political parties had all agreed to the committees when they signed the code of conduct, but was it difficult to convince them either to bring issues to the committees or to send representatives who were at a high enough level to be able to negotiate these issues?

NYATHI: *Yes, like I said at the very beginning, one of the difficult issues was the acceptance by the ruling party to freely do these things, to bring people, but once it happened, it happened fairly quickly. But in some cases, people would by themselves, say, "Well perhaps I am not the best suited". So faces would change. But also it was very clear, especially before the training that a number had no clue what they were supposed to do. It was something new, something novel. It was something that made the political parties sit down together, with the police, with the church leaders, with civil society, especially the women's groups that were so good.*

*In its own right it was an environment for growth. It wasn't all rosy at the beginning. I don't think anyone can say that. It was not all rosy at the beginning, but I think people grew into their positions. I think Freetown was the last one to be appointed, and the number of applicants for that position was huge, largely because I think people had come to know what this was all about. Also it paid better than average overall. For that I think one needs to mention quite clearly IFES (International Foundation for Electoral Systems). IFES was very, very supportive, particularly in the donation for the accommodations at the three centers in Bo, Kenema and Makeni. IFES was very strong. It was a very, very good partner.*

JACKSON: I wanted to ask about that. I understand that the committees are mostly on a voluntary basis and people are compensated for their transportation expenses. Was it difficult to secure the funding for all of the district committees and were there any problems where people were frustrated that they weren't being compensated for their time?

NYATHI: *Payments are always a challenge. People knew that it was difficult to get funding, but leading up to the 2007 elections, I think we got all the funding that we wanted. I think subsequently when IFES funding stopped then it became a challenge. But up to that point I think people were paid on time. Clearly we were all worried about 2007. Everyone wanted to put the best foot forward.*

*As a consequence up to that point, yes there were challenges and delays. There were challenges in paying people their transportation to come and meet at the venue, especially if they didn't belong to the committee itself but had to be brought in. There were challenges with that. But I think, at that point the challenge was of delayed payments rather than non-payments. Subsequently I really am not sure. I can speak authoritatively up to 2007.*

JACKSON: I realize it has been a while since you were in Sierra Leone but were there any conflicts that were mediated that stand out in your mind as being particularly successful examples of how the committees operated during the period before the 2007 elections, during the campaign period?

NYATHI: *Many. I say many, I may not remember individual ones but in Bo and in Kenema in particular, where the ruling party had split into two parties, there were major challenges associated with those two parties that were really, to their credit, really well managed at the district level. The same thing happened in Kenema that was the stronghold of the ruling party then, but particularly to the north of that region, a stronghold, of the then, opposition party. Many solutions were found in those circumstances at the district level.*

*The Freetown one was a lot more difficult. In Freetown it was a lot more difficult made by the sheer concentration of persons of different political persuasions. But all in all, without naming any specific ones other than those in Bo and Makeni, I think overall attempts were made to find solutions at as basic a level as they could find. A lot of this would be in some record of mine or other because besides doing a daily report, I kept a daily diary for nine months, from January 2007 to September 2007, a full daily diary note to myself so there is lots of stuff one can dig out.*

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*But yes, there were many. Some were simply by phone, some in many cases would just say, "Can you please call so-and-so? We think it would be helpful if you spoke with them before the meeting tomorrow". I think just having a different voice, a neutral voice, the UN is very highly regarded, so a simple call. "If you call we think it will help the meeting tomorrow". Things like that.*

JACKSON: When you made those kinds of phone calls, what was the message you were trying to get across?

NYATHI: *Depends on the situation really. One was to absolutely remind everyone that Sierra Leone has moved miles from where they were in 2000. Everywhere you go there were signs, "No More War", appealing to their inner selves. You don't want to be the one who gets named as the one who broke the national deal for no more war. "If we can help, we will provide the help, but if your colleagues are coming to see you tomorrow, give them a listening ear". Never, never be forceful, just a gentle approach.*

JACKSON: Were there any particular types of conflicts that the district or provincial committees were less able to handle, that needed to be handled by the commissioners or the leadership of the political parties?

NYATHI: *The issues of ethnicity we were seized with quite a bit and also the issue of the chiefs, the paramount chiefs. You may have heard about that.*

JACKSON: Yes.

NYATHI: *The paramount chiefs and their role and their perceived impunity in running the affairs of their regions. Those were issues that we were seized with even in our capacity as the UN. The paramount chiefs and the impunity with which they conducted business and supported some political parties and not supported others causing internal conflicts by pitting one ethnic group against another ethnic group. Those were some of the issues that were a major challenge.*

JACKSON: I understand that the way that the PPRC has related to the chiefs has changed a lot since it was first established as a commission. Would you tell me how the PPRC tried to work with them during the 2007 elections and if there were any steps taken to try and reach out to them?

NYATHI: *Yes indeed. The PPRC tried, if I recall, even had meetings with the paramount chiefs in the various provinces. Now I am no longer 100% sure, this is a while ago now. I remember we organized a number of such meetings. We even were asking the question whether the UNSRSG (United Nations Special Representative of the Secretary-General) should go to these missions and my advice to them was no, not to go, let the local enterprise deal with it. But it was a major concern. It really didn't feature so much as the elections approached because, largely I think at the district level, the sources of umbrage within the smaller communities were dealt with fairly quickly without escalating to the paramount chief.*

*Once they reached the paramount chief you can be sure they were going to be politicized at a high level. I think the approach to deal with things quickly was important, but I really don't recall that beyond the meetings that we tried to*

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*arrange with the paramount chiefs, there was anything additional before I left. I don't recall.*

JACKSON: As you got closer and closer to the elections, what were the big issues that you were focused on, that the PPRC was focused on as a commission?

NYATHI: *Keep the temperatures down. That was absolutely the basic approach. Keep the temperatures down, number one. Two, keep the political parties talking. Make the avenues that have been created to work. You know, you'd be surprised, people can shout at each other, tear each other's hair out, but when they sit down in one room things are different. People start talking to each other; it really makes a very big difference. So that was an ability that the PPRC had to bring the political party together, but not by themselves, with other interested stakeholders.*

*If it were a police issue, the police would say, "Sergeant So-and-so can you please check this" blah, blah, blah. Civil society women's groups, the National Democratic Commission I think it is called, NDC, with everyone present you really would have to be completely out of your mind to simply blow up. I never experienced one except at the UN where these were the leaders of the political parties, but that's a different story, it has nothing to do with PPRC.*

*I think July 7, '05 was a game-changer in terms of the code of conduct and these monitoring committees. It was the ability to sit down together and argue on a point and really dialog to find the solution rather than at the end of the day to say who debated best and won and scored the most points. That was it.*

JACKSON: We've talked a lot about the political parties and the participants' opinions. What do you think the perception of the average citizen or the average voter was of the PPRC at this time and of the committees?

NYATHI: *The best example I can give is I took a taxi once and the taxi driver had a Code of Conduct. We created this pocket-sized Code, thousands of them. I asked this taxi driver, "How is the election going? I'm from the UN. This is not my country, how is it going"?*

*He takes his Code out, he says, "This will make the election right. This will make the elections right". It was the most popular document, this tiny little five-page folder and to me that said it all. "You see they can't do this, if they want to do this, they must do this". I said to myself, "It is working"! The perception was very good. It was well received in the media, both the public and the private media. It received a very good listening ear from the UN radio. There was a UN radio then. I spoke on it once or twice on the work I was doing with the commission. That was the radio to listen to, a neutral radio to listen to.*

*Public perception? I think it was good. My sense was the fact that the election was less violent than people thought it would be. The commission received a very big pat on the back. I say the commission but truly, honestly, and I wrote as much, it was at the district level.*

JACKSON: Can you take me through Election Day? I imagine most of the work the PPRC was doing was in the pre-election period. On Election Day, what was the mood, how did the staff feel about their work at that point?

NYATHI: *Election Day was the least busy as might be expected. I think most of my time was spent at the UN situation room taking calls, listening to other reports coming from other different entities. We were a big team. The election here had gone well, but many people were not allowed to vote because of this and the other thing, but there were no major areas of violence. This we expected. But we also expected that with the post announcement of results, PPRC would have to be up and going and doing because there was likely to be a challenge and indeed there was a challenge.*

*Perhaps because the ruling party thought they were going to win outright which they didn't and there was a runoff. When the runoff didn't go their way there were challenges from both the winners and the losers. That was a difficult time.*

JACKSON: Can you tell me a little more about that period?

NYATHI: *I think there was far too much exuberance on the part of the winning party. They had been out of power for twenty some years. Freetown is largely an APC (All People's Congress) town. I think that is the time the headquarters of the SLPP was burned down and people's houses were vandalized. That was a very bad time. That happened just after I left, I think. It was a time when the commission really had to be up and going and dealing with those issues. It took a while for them to get a handle on the situation. I think it took several weeks for them to get people to calm down. I left soon after the inauguration of the new president, but I was in daily touch with the commission.*

*Too much exuberance on the part of the winning party I would say, but perhaps also violent disbelief on the part of the former ruling party on having lost the election. Then of course the blame game started. All this was, of course, "By the UN" and so on. But the UN is quite often the whipping boy of the system.*

*You have to maintain your status, your cool, under those circumstances. I think the subsequent local government elections again brought to the fore the PPRC and that the government agreed to a restructuring and funding was the icing on the cake, to make the commission a properly constituted, functioning commission with structures. I was pleased it took all my recommendations on what the commission should look like. But there were challenges post-election. The President didn't think he was going to lose it was clear.*

JACKSON: Before we get into the restructuring, why do you think it took the PPRC several weeks to get a handle on the post-election situation? What was going on there?

NYATHI: *My sense is that the level of recriminations across the parties, within the former ruling party itself, but I also have a feeling that the secretariat was overwhelmed because they belonged to political parties, too. It is quite possible that they were affected by the win or the loss, whichever way one looks at it. Also I think the biggest challenge was in Freetown rather than in the hinterland. Also by the sheer volume of people, particularly in the area called Kisi, an Islam area, with an incredible number of people living in close quarters of different political persuasions.*

*My sense is that the PPRC in many respects did the right thing by referring to the police. Certain situations certainly require police presence rather than a*

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*negotiated or mediated settlement. So I think it was the right thing to defer to the security services at that time.*

*One thing I wanted to mention to you was one of the meetings that we held with the leadership of the political parties at the PPRC. The leadership was very senior, the Secretary-General of the political parties and the chairpersons of political parties. There was so much confidence in the PPRC. I took a photograph of everyone. Lo and behold everyone wanted an 8"x 4" sized copy with the stamp of the PPRC at the back. We went across the street and produced these in 8"x4" size. But they wanted the PPRC stamp on the back of this!*

*I remember the Secretary-General of the ruling party, APC, saying to me, "You know, a lot of consultants come here and we don't call them consultants, we call them insultants, but you are different." I said to myself, maybe we have done it okay. That's Sierra Leone.*

JACKSON: Thank you. When you had finished with the 2007 elections, you were advocating for the restructuring of the commission. Can you walk me through what your plan was for how it should be restructured and how you advocated for that plan?

NYATHI: *Yes. The restructuring was all in my final report, in detail. Now I am now talking about the secretariat yet, in that the secretariat, in my view, needed most of all an outreach program. I thought what was really critical was an outreach program, a training program, finance, HR function with a person dedicated to selling the image of the PPRC. That was my suggestion in very broad terms.*

*I was invited back at the end of 2009 when they had put together some structure that was largely based on these recommendations. They invited me to come and speak to a very large group: civil society, political parties, government, donors, and to give a commentary on what I saw. I spent three days with them. I did a very extensive commentary but this time around as an outsider looking in. That was appreciated because I had prior knowledge of where it started although I had not been involved in the crafting of the individual elements up to that point. Looking at the entity as it was structured, I made very significant recommendations that in the most part ended up in the legal framework of the commission.*

*My main thrust was really to make the commission independent and be able to take decisions. It cannot approach the ruling party and say, "You shall not do this or I shall name and shame". With confidence, someone should know that if someone said that he would be shipped off to another department, there would be an independent commission. I think it is playing that role now. I think for the commission to be able to do that is central to its ability and legitimacy as an honest broker. That is important.*

*Secondly to have its own funding by the state. In the end, if an entity such as that is funded by foreign elements there is always the perception that he who funds or she who funds has the advantage of what goes on. So I really pressed the point that there are challenges with funding but you must be seen to be funding at least 50% of the commission. I don't know how much but I do know that a substantial amount of funding was made available in 2010.*

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*I said to them, "You need to make this funding available at least two years before the next election for the commission to be effective". I haven't followed very closely how the funding situation is. I also felt that it was important for the UN to be less intrusive in the affairs of the commission, work itself out of a job so to speak. I had a long, long discussion with colleagues at the integrated mission about that. Many capable people were employed. Let them do their job. Yes, support them. Try not to have fingerprints everywhere but if we see your footprints we won't mind too much. Sierra Leoneans have lost their pride in themselves. They would rather have someone like me come and do things for them than them doing it themselves, even if they could do it, simply because they couldn't trust each other enough. But you needed to build that confidence in each other. I said this much in my final report.*

*So it was really important to have this entity stand out as a Sierra Leonean creation, largely funded, but supported by others, of course, like the UN, IFES. I don't know to what extent IFES still funds them, but being able to stand as an independent commission was very important for me. It was an issue of outreach to get out there. In the event of an election, a bi-election, it is known that if something goes wrong we call the PPRC and they will deal with it.*

JACKSON: Do you think during 2007 there was a perception that the PPRC wasn't sufficiently independent?

NYATHI: *Yes, largely because of the issue of funding. You can say this is something for the government—the government was funded 97% by someone else. That issue arose. I felt guilty because I was right in the middle of it. They took me as one of their own. You sort of felt guilty that maybe you were a party to the notion that it is not independent because there is too much money from so and so, and that is legitimate.*

*I felt that they were taking hold and getting to do things and making decisions, so that was dying down. It was dying down quite substantially by election time. But that was a legitimate perception.*

JACKSON: You mentioned that staff affiliations with political parties were an issue for the commission during 2007.

NYATHI: *There were occasions when I suggested to individuals that, "They were well within their rights to exercise their political rights, but, it is best not done within the purview of your work. It can be done externally. Yes, you could tell who belonged to which party. There is nothing wrong with it. The important thing is don't bring it to work". I think what would have been wrong would have been to see it and not deal with it. That when it became obvious, the commission was able to deal with it quite effectively, I think it helped. Yes, I think it helped.*

JACKSON: So the way they dealt with it was to speak to the person about how they were behaving?

NYATHI: *Yes, and it was a very senior person in the secretariat. He didn't apply for a job when the commission was re-configured. He left the commission completely which was a good thing.*

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JACKSON: My understanding is that in addition to the restructuring there were also some changes made to the district committees as well, namely that they brought a representative for the paramount chiefs onto each of the committees. Were you involved in that decision-making process?

NYATHI: *No, I was not aware of that. Five years is a long time.*

JACKSON: I understand. Were there any changes or adjustments to the operations in the districts or the operations at the provincial level that you recommended in addition to the major structural changes?

NYATHI: *No, it was really principally at the main one, but the commission was cascaded down once, so by extension my sense was that everything was going to be cascaded down to the provinces and to the districts. But what needed to be resolved was at the head office. The head office in that mode would easily have become too dysfunctional for it to be effective in any electoral process. So my preoccupation really was to ensure that the commission and the secretariat at the head office were fixed. My sense was that the rest would follow as we had done with the code of conduct.*

JACKSON: Were there any changes that you advocated at the national level monitoring committee at that time?

NYATHI: *No. Lastly because that was a function more related to the political parties because the code of conduct is for political parties. The commission really holds it together on behalf of political parties. It might have been after I left, I don't know. I did not make any recommendations for any changes except to say to strengthen the monitoring at the district level. That recommendation was specifically made and is in my final report. I thought that was where things really happened and things got resolved.*

JACKSON: When you looked back on 2007, when you were writing your final report, what kind of metrics or indicators did you use or would you use to evaluate the success or some of the challenges of the PPRC during that period?

NYATHI: *I think everyone sort of expected there was going to be extensive violence. I think if you use an indicator for the level of violence in the hot spots, that to me served as a very useful indicator of success. Acceptability, although it is difficult to measure, if a district monitoring committee calls a meeting the progressively greater number of people that attend is a measure of acceptability, I think. The number of cases that get resolved, and I insisted that every meeting should be recorded and sent to head office.*

*One of my biggest challenges was the record keeping at PPRC. I absolutely insisted. When I attended a meeting, I sat down with them and said, "You write and I'll write and we'll compare notes of what came out of that meeting". I absolutely insisted on having the meeting recorded, everything. I recorded mine every day for myself. I was looking at my last day and I just laughed. Someone was behaving in a manner that was completely out of order and I made a record and put it down. I recorded absolutely everything on a daily basis. Before I'd go to bed I wrote a note to myself on what I thought about a number of things. In the*

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*end it was possible to get reasonable records of events. But the challenge in Sierra Leone is education, as you know, it is a major challenge.*

*The successful cases, even the unsuccessful ones, I thought would be a good measure for the commission of the monitoring committees and subsequently the commission. But I think the political parties calling on the commission to resolve internal challenges was one of the major successes of this and is why the APC is in power now. That was resolved by the commission, I don't know if you know that.*

JACKSON: No I don't, can you explain?

NYATHI: *In early 2007, the APC was divided into two major groups, two very major groups. There was a case in the Supreme Court that took on the party. One of the things that we suggested was that now that the PPRC is working, why don't you let them take a look at it. They brought the case to the PPRC. We had one meeting. They withdrew the case from the Supreme Court. We had another meeting and at the next meeting they said, "Actually we don't need you". I went away and I said, "Yes, this thing is going to succeed".*

*I was called to a meeting where they reached a decision to work as one. It was signed. They went to the elections and won as one. This was all done at PPRC. APC has a lot to be thankful for for PPRC. Did you know that one?*

JACKSON: I had heard some of it but I didn't realize exactly the details, the sequence of how that happened.

NYATHI: *They absolutely were not going to win the election if they had gone to the election as separate groups.*

JACKSON: Was it the commissioners who mediated that?

NYATHI: *The commissioners, yes.*

JACKSON: Did they come in to mediate a lot of conflicts during that period or was it mostly the secretariat that was dealing with things at that level?

NYATHI: *The mediation was done by the registrar of the commission, as the secretary, and the commissioners. The secretariat served as scribes and organized. They just made the arrangements and made sure things went according to plan.*

JACKSON: So at that time the National Code Monitoring Committee wasn't doing mediation?

NYATHI: *No, that was before. It was a great success.*

JACKSON: Looking back, if there was anything that you could have done differently or anything that you would have changed about the way you did things or the order in which you did them, what would that be?

NYATHI: *If I were to do things differently? Many things I would have done differently would have required more time, but we had seven months in which to do all of these things. If my engagement had continued from 2005 uninterrupted, because it was truncated in three different bits, I think more would have been achieved earlier. I*

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*think more would have been done but it is a question of resources. Also I think certainty really came about the elections and the ability of the Electoral Commission to hold the elections. The certainty came perhaps at the end of 2005.*

*By then, I had been to Sierra Leone three or four times that year as part of the team that made recommendations in relation to the drawdown of the military and also to do a peace strategy. The peace document is a big, big document. It is a peace strategy drawn up in 2005.*

*To draw up the peace strategy, to train the political parties, to do the code of conduct, all of these were truncated engagements. My sense is that if my engagement had been continuous, we could have achieved more because every time we got back, we got back to where we started last time. I think the constant change of the Chairs was a hindrance.*

*For the longest period of time there was an acting chair who was disillusioned because though he qualified to be a chair he was not appointed chair. I think he has since left. But also I think if the secretariat had been made permanent and nonpolitical even at that time, I think that would have helped. Would I have done things differently? Given a longer period, I probably would have. I would have pushed harder for the restructuring of the commission. I talked about this early on in my appointment.*

*By hindsight, I think perhaps the slow approach was correct in the sense it allowed people to get used to the idea that there were going to be changes as a permanent constant in the development of the commission. Would I have done things differently? Most likely, but I'm not in a position to say quite categorically what that would be. Another five years is a bit of time.*

JACKSON: I understand. Since you left, the PPRC has been looking at trying to get the power to sanction political parties or even impose penalties against them. Was that something that came up while you were there? Was that an issue where the PPRC thought they didn't have sufficient power to regulate the activities of political parties?

NYATHI: *You see, the challenge they would have is to change the constitution. The constitutional mandate is to mediate and mediation by its nature does not normally provide sanctions. This is a negotiated agreement on things. What they are talking about is a political parties' code of conduct. But they need to go back to the political parties to say, "Let us change from name and shame to much more substantial harsh punishments like they have done in Kenya, for example". The code of conduct in Kenya is very, very tough. There are very severe sanctions. But they can't decide on that.*

*The code of conduct belongs to the political parties really. Unless they append that as regulations to the Political Parties Act or regulations to the Electoral Act, they can't take a unilateral decision.*

JACKSON: I understand they are trying to get some kind of legislation passed. Was this a question that had come up in 2007 about their lack of power to sanction parties?

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NYATHI: *As I said before, this was one of the thorniest issues when the code of conduct was debated. But I think the feeling then was, "Look, let's get the election. There is good will. No one wants to go back to war". So for that time I think it was probably a wise decision to make.*

*As the political landscape spreads much more widely, perhaps it is time to consider wider assumptions. It is not just Sierra Leone, many countries are battling with that. Here in Zimbabwe, the code of conduct is one of the most contentious issues. What has stalled progress is the issue of sanctions. I'm helping Uganda with a code of conduct for political parties. The issue of sanctions is a major issue. What you're saying is the political parties as the owners of the code must agree to sanction themselves and that is very difficult. Kenya was able to do that because of what happened in 2007.*

*If it is not in the legal framework, they will not succeed. It would have to have regulations in the PPRC Act, the Political Parties Act, or the Electoral Act.*

JACKSON: I understand that Sierra Leone is quite unique in that it has a Political Parties Registration Commission whereas most countries just have one EMB, but if there were another country that was looking to adopt some of these mediation strategies, maybe adopt a system like the code of conduct monitoring committees, what advice would you have for them?

NYATHI: *Have the broadest possible agreement that you can get. It is precisely for that reason that here in Zimbabwe that process is going to a referendum. Why have the widest possible agreement? Because it touches everybody. I think really that would be the first thing. The second thing would be the independence of whatever instrument you bring to the fore so that it is respectable and the decisions are not questioned, that it is manned—for lack of a better word—by people with integrity. We have gone a different route here from Sierra Leone in that our commission is going to be headed by a legal person, but the rest of the commissioners are from various groupings. The biggest precondition is the issue of integrity of the commissioner. That is so, so important.*

*Basically those are the key building blocks of a good PPRC if one were to make one suggestion.*

JACKSON: Thank you. Those are all the specific questions I had for you but I want to ask if you had any general reflections on your time in Sierra Leone or anything that we haven't touched on that you think is important to note.

NYATHI: *I had a wonderful time in Sierra Leone. I think something we have to recognize is the amount of effort the UN system as a whole put into that period. Also I think it is important for the world community. There was a general sense that we can't have Sierra Leone fail again. The basket to fund the elections was so well supported. The amount of money that was spent for a small country of 6 million people largely because there was no infrastructure was incredible. There was a lot of good will across the world to have Sierra Leone succeed. A lot of people made a lot of effort, some less than others. But I know for sure, the UN system the EU (European Union), IFES, NDI, those institutions that I worked with, they really made a genuine effort to support Sierra Leone and wanted the people to succeed.*

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*I think it is important to give the people where we work space to be themselves. It is okay to make errors. If they are not fatal errors, they can be corrected. Perhaps it is okay to allow that to happen. I think very often we tend to cramp our people and this is one thing I absolutely, very consciously work at, not to cramp people. So, it is their country. You and I will come and go but they're permanently there. Allow them space to grow. As I said, serve a supportive role and allow them to grow. When I feel that they have made sufficient progress to be on their own, don't necessarily keep pressing the point. If it is time to go home go home. I always do if I can I really work myself out of a job. I think it is always important to remember that. People will be ready to run their own affairs. Perhaps I'm an idealist.*

JACKSON: I understand the police were a contentious entity in the 2007 elections and that both the political parties had challenges with them, they were seen as being biased. Did that affect their ability to act as a deterrent to violence during the elections and maybe even to be members of the committee system?

NYATHI: *Let me start at the tail end of the question. Did the police play their role correctly on Election Day or around the election period? I would say yes, because a lot of effort was put into retraining over the two-year period that I talked about. A lot of effort was put into retraining the police and the security services generally. So my sense is that from March 2005 when I first arrived in Sierra Leone until September 2007 when I left, there was a marked difference.*

*I think it is generally agreed that there was that discernible, progressive improvement in the way of policing. So there was an improvement. Were there complaints? Yes, there were complaints, but look—a new police service. You can imagine after so many years of war trying to put an entity together. You never know whom you are putting in there. So my sense is that they did a reasonably credible job given where they were coming from, at least when I first interacted with them in 2005.*

JACKSON: So my understanding is that when people brought issues to the committees that involved violations of the law, they would be referred to the police. If someone said, "So-and-so burned down the house of someone who supports my party" or "Someone was beaten", do you think the police were then able to handle those legal issues effectively or did they sort of get stuck in the process?

NYATHI: *As I said before, when there was a crime committed, my advice was always report this to the police. It is a crime. You don't have the mandate to deal with issues of crime. But how they were dealt with by the police subsequently, I honestly don't have that information.*

JACKSON: So there wasn't a tracking system?

NYATHI: *Not that I'm aware of. I might be talking out of line, but I'm not aware of a tracking system by the Code Monitoring Committees. Maybe there was, but I'm not aware of any.*

JACKSON: When you first put the committees in place, did you train them in record keeping? Was there a system that you tried to put in place?

NYATHI: *There were a number of things done. Training in conflict mitigation. I first did a lot of training on the management side and on the political findings side, which is their strength. So it was not just the conflict mitigation but the administrative processes as well. This was largely based at the regional offices of the PPRC and the four major centers. Most of that was done by IFES. We provided the conflict mitigation that was our own area of expertise.*

JACKSON: I understand that the committees all received the same training. I understand they were all largely successful in the 2007 elections. But what I wanted to ask is, are there certain conditions that you observed that made committees more or less effective? Are there certain key pieces of composition or of training or of operations from district to district?

NYATHI: *Training was one. But the chair, the chair, was really an important factor. The most successful ones had really good chairs. Another factor was the number of women in the group. It appeared to me that the more women there were, and I don't have absolute evidence, but the better they were able to maneuver through some of the challenges they were facing in the district. I'm not sure why, perhaps the training or the selection of the chair. By the way, the chair was not allowed to be a member of a political party. The chair was often civil society or the PPRC person, but not a political party. So the appointment of the chair, the type of chair was really important.*

*The active participation of civil society was important. For example, in the eastern part of the country that was very contentious, there were very good teams there. In Bo there was an excellent team there. The original coordinator of the PPRC, I remember, was a lady called Mrs. Smith. I don't know how many times she called me to check, check, check. What is possible? What is not possible? If I do this what will be the impact of it? A fantastic person and very successful there.*

*I think the training, yes. The capabilities, yes, but the leadership is really, really important.*

JACKSON: You mentioned that the individual chair made a big difference. What were the qualities that you observed that made someone more effective as a chair or less effective?

NYATHI: *Their demeanor for starters and their education. Most of the chairs, at least at the provincial level, needed to have a certain education. That was important because the majority of people in the districts can't read and write. So it was important to have a person who could articulate their thoughts in writing, make reports. It doesn't matter how rudimentary the reports are, very important. Be proactive enough to pick up the phone and call somebody. Call somebody in the regional office or one of the commissioners or the secretary of the commission, call me, call somebody, be proactive about it. I think those are the sort of people that made the systems work.*

*I remember the Eastern part because they were always on the phone. They were always on the phone, always checking. So the ability to articulate things I felt was really important.*

JACKSON: I understand that more recently the PPRC has been helping fund some of the political parties or distributing money from UNIPSIL (United Nations Integrated Peacekeeping Office in Sierra Leone) to help some of the parties establish their infrastructure. Was that the case in 2007?

NYATHI: *No. The general rule is that if it did not fulfill the conditions of being a registered political party, you have no business being there. No political party was de-registered during my time although two of them came very close. The decision was taken that it was too close to the election to de-register a political party. It would be more destabilizing than letting it ride. It was a sensible decision.*

JACKSON: What were the issues with those parties?

NYATHI: *Just that they had one office and no other office in any of the regions. They really were a party only on paper.*

JACKSON: I see. When did you send the commissioners to Sweden, do you remember?

NYATHI: *I think it was May 2006 and they thoroughly enjoyed it.*

JACKSON: You thought that made a big difference in their attitudes—?

NYATHI: *Huge, a huge difference. If you are ever from PPRC make sure they have appropriate training. They should show their leadership.*

JACKSON: I know no one else was sent to another country, but did you bring in similar training for the secretariat on mediation?

NYATHI: *I did it myself many times. Together with Andries Odendaal, we did the political parties on two occasions. Subsequently I did a whole number of trainings myself for the secretariat and for the commissioners and jointly, I did training for civil society as well. So get as many people with the basic knowledge as possible leading up to the election.*

JACKSON: I understand that mediation was the mandate of the PPRC legally. I understand that political parties agreed to it in the code of conduct and they would not have wanted sanctions, but when an actual problem had occurred, when someone had actually done something wrong, were they receptive to mediation being used to solve that or did they want to see people punished? Was there a lot of frustration?

NYATHI: *The first port of call was get them punished. But gradually, I think, like in the case of the APC, a number of attempted mediations were made between the SLPP (Sierra Leone's People's Party) and the APC. In the end, I don't think they were particularly successful. It is difficult. It is difficult. The intra-party problem between the SLPP and the orange party, the PMDC (People's Movement for Democratic Change) was a major problem. It was not taken to the PPRC, the party just split into two. That was not mediated. It just broke down irretrievably.*

JACKSON: Do you think the reason the SLPP lost the election is that they split?

NYATHI: *Oh yes. That is why the APC won, because they stayed together.*

JACKSON: You mentioned that the post-election results announcement period was particularly difficult. Had there been an effort by the PPRC or by the UN, before the election results were announced, to get the political parties to commit to accepting the result?

NYATHI: *That was done. Parties committed to accepting the results. But as I said, it was not so much the leadership, but the pent-up energy of all that youth having waited for twenty years to be in government and the others absolutely certain that they would remain in government. All of this sudden surge of energy, of huge winnings and of sorrow, being quote/unquote "cheated" out of a win perpetrated by somebody or other. It was difficult to control particularly in that location called Kisi, a very, very dense area of Freetown. But yes, every effort was made for them to denounce violence before the elections, to accept defeat if they were defeated in a free and fair election and uppermost declared such. To celebrate with dignity not to have too exuberant a celebration that will disturb others or foment anger in others. All that was done. But, it was the despair of the moment and it erupts.*

*Up to the point of the inauguration of the president, the new president, it was reasonably quiet. It was done fairly quickly, I think within an hour or two after the election results he was inaugurated.*

JACKSON: This time they waited quite a long while. They just had the inauguration for the new president on Friday. They waited a little over two months then.

NYATHI: *He had no reason to hurry.*

JACKSON: I was hoping we could talk a little more about some of the issues with traditional leaders. My understanding is that both the paramount chiefs but also the secret societies created problems during the elections.

NYATHI: *We talked about the paramount chiefs. Secret societies are very prominent in the east. I know so little because no one is prepared to talk about it. People are sworn to secrecy. I know very, very little but they are a major influence in the eastern part, in the Bo area, the Kenema area. They are very, very big the secret societies. My understanding is that they are associated with political parties, but beyond that I really cannot say any more because I could not get anyone to talk about the secret societies or what goes on there in the period of two years and a bit. I couldn't.*

JACKSON: We talked about some of the challenges that the paramount chiefs presented but beyond mediation at the district level, did the PPRC make any attempts to deal with them as an entity in terms of educating them, maybe trying to remain neutral during the elections. I understand that they are legally obligated to do so even though many of them don't.

NYATHI: *Well the PPRC had no time to do that during my term, but I know that civil society, especially WANEP (West African Network for Peace Building) that is spread right across West Africa, WANEP Sierra Leone was trying to do something about that but whether it happened after I left I really don't know. I have not followed that at all.*

JACKSON: You said you used the strategy of talking about restructuring and the possibility of permanent jobs to motivate many of the secretariat. Were there other strategies that you used to bring them together or to motivate them to perform?

NYATHI: *I had very regular team-building exercises, using team-building work. This was generally done in conjunction with basic management skills or basic office skills. We did quite a bit of that. I did it myself or got some persons with business management skills to do that. We also sent quite a number of them to a number of countries to receive training in different areas of the office. They enjoyed that. The precondition was that whoever went when they came back they gave the same training to the rest of their colleagues.*

JACKSON: You mentioned that there were some issues with the initial registrar of the commission in terms of political party affiliation.

NYATHI: *I'm sure you heard that, I didn't mention that specifically, but yes, yes there was, but he left.*

JACKSON: Did that impact the PPRC's operations at the time?

NYATHI: *He was advised that whereas it was his right to hold political affiliation, he simply couldn't use that in the office or be seen or heard or to have leanings, otherwise it compromised the PPRC. I know that he was cautioned.*

JACKSON: Was that an issue with other members of the staff as well?

NYATHI: *I believe so yes.*

JACKSON: Do you think that impacted the perceptions of the PPRC among the other political parties or civil society?

NYATHI: *My sense is that had that been one of the commissioners showing political affiliation, it would have been a really big problem. But at least in the public eye, they kept above the political fray. I don't think that other than the one person, the others were overtly political. So I personally did not receive any complaints. I received many about individuals, about every other thing, but did not receive any complaint about the political leanings of anyone else in the office other than this one office.*

JACKSON: Were there any complaints that you did receive that stand out in terms of recurring issues in the PPRC?

NYATHI: *The issues of record keeping I've already mentioned. The issues of the distribution of resources sometimes became an issue, resources for different programs and the degree of openness of the allocation of these resources. But I think it also boils down to the leadership of the secretariat in pretty much the same way as the political one. But the resource allocation is always a problem, always a challenge.*

JACKSON: You mentioned that all of the commissioners were seen as neutral.

NYATHI: *Pretty much, and I felt the same way too.*

JACKSON: Was that just a matter of luck or were there safeguards in the nomination process that made that the case?

NYATHI: *You know, the commissioners, all commissioners except one was appointed after I arrived and that was the chair of the commission. The others were appointed months before I arrived. I think the distribution is stated in the constitution. The lawyers made the selection. They made recommendations and their nominee was appointed, the same with the labor movement. So other than the chair, who was appointed when I was there, I really have no knowledge of the process of appointment of the other two.*

JACKSON: What was the process for appointing the second chair? Were you the one who made the recommendation?

NYATHI: *I think that was a government prerogative. They were given a chair from among the senior judiciary, the retired judiciary.*

JACKSON: I wanted to ask your opinion of the constitutional provisions for choosing the commissioners. What do you think of the division or the segments of society that are supposed to be represented?

NYATHI: *This is strictly a personal opinion. I think it is too narrow. I think the fact that there is no civil society representation is a glaring anomaly. The fact that there is no representation of women, in my view, is an anomaly. In our case (Zimbabwe), we have a constitutional provision, that as a minimum there should be 50% women in the constitutional provision. Why? Because of the demographics, it just makes sense, if 52% of the popular are women. And also, my household is all women.*

JACKSON: You don't want them to get upset with you.

NYATHI: *I am very particular about that. It is the right thing to do. We know that when women have been involved in conflict mitigation programs and these are resolved, the relapse is longer than the norm.*

JACKSON: I didn't know that actually.

NYATHI: *Yes, it is longer than the norm.*

JACKSON: I wanted to ask you about representation of women. I understand that in many of the district committees, the civil society representative is usually from National Elections Watch or one of the governance-related civil society groups. Was there ever a discussion of including civil society on these committees that represented demographic groups: women, youth and people like that?

NYATHI: *No, there were no particular discussions. My sense was that women civil society organizations were so strong in Sierra Leone. Take the Mano River Women, so strong. The women's organizations foisted themselves into the negotiations for a peaceful Sierra Leone. They were so strong.*

*Perhaps in hindsight, one should have made this more specific, but my sense then, and the reason I didn't question it, I suppose, was that the women's organizations were so strong. In the training that I did for civil society*

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*organizations, 70% were women. I must tell you a story. One of them after the training decided she was going to stand for MP. I forget her name. I heard the announcement on the radio that so-and-so had won. I said, "I know this person". So I called her. I said, "Why didn't you tell me"? "I was afraid I was going to lose so that is why I didn't tell you". So I said, "Good girl. Good for you". I don't know if she stood again. They were so strong. I didn't have the sense that it was going to be an issue. But clearly I was wrong on that one. We should have articulated that specifically. That is a lesson learned. It is very clear. At basic minimum 50%, it could be more.*

JACKSON: You mentioned when women are involved in the process, the average period of the relapse rate after mediation is longer. I wanted to ask you about issues of relapse. My understanding is that there is a problem when you mediate violations of something like the code of conduct where people will sit down and they'll agree not to do whatever it is that they did that was wrong. Then they go back out and after a certain period of time, sometimes immediately and sometimes later, they'll often fall back into that behavior. How do you deal with that and with the perceptions that eventually mediation will stop working?

NYATHI: *I think political parties need to mature. As long as you have nascent political parties based on wanting resources more than political power or governance power, I think that challenge is always going to be there. It is not just limited to Sierra Leone. I think the maturity of the political parties is important. If you look at Ghana, for example, where I spent my last term with the UN, there is greater maturity of political parties. Maybe it is where they're coming from as well.*

*Yes, there is relapse but I think there is a lot more control. I think one is maturity of the political parties but the other is if that doesn't work, you make the code of conduct a legal instrument, the way Kenya has gone, the way Uganda has gone. Uganda is going into a legal instrument.*

JACKSON: I understand that the reason they were able to do that in Kenya was because of the situation in 2007. It is pretty hard to get parties to agree to a code of conduct that is binding when you don't have that kind of push.

NYATHI: *If you can at least put it to parliament and if parliament rejects it, you know where the rejection is coming from and you can put pressure. In Uganda, the code of conduct has been to parliament three times. Each time it was rejected. So, they have asked me to come to see how best to approach it so that next time it goes to parliament, it passes. Yes, it is difficult. Unless you legislate against this, you will always have a problem.*

JACKSON: Thank you. Those are all the questions that I have.

NYATHI: *Very good.*