

AN INTERVIEW WITH PETER PENFOLD

Peter Penfold, adoringly known in Sierra Leone as *Komrabai* (a Temne word meaning ‘Elder of Chiefs’ — Penfold was actually crowned as one in 2000), was Britain’s High Commissioner to the West African nation at its most turbulent moment. He was there when a coup, the bloodiest in the history of the war-racked and coup-prone nation, occurred in 1997. Calling themselves the Armed Forces Ruling Council (AFRC), the new junta — a coalition of rogue soldiers and the uniquely brutal Revolutionary United Front (RUF) guerrillas — was characterized by vandalism and terror. Along with the government, almost all diplomatic missions and hundreds of thousands of Sierra Leoneans, Penfold moved to neighbouring Conakry, Guinea. There the Sierra Leone government, headed by President Ahmed Tejan Kabbah, and elected less than a year earlier in a popular vote, relocated. Using a disused Chinese restaurant in Conakry, and funded by Britain’s Department for International Development (DFID), the exiled government maintained such a visible presence that it continued to be recognized by every government in the world, by regional organizations and by the United Nations, as the legitimate government of Sierra Leone.

Penfold, a career diplomat, had in the course of his short stay in Sierra Leone developed a strong liking for the country, as well as a passionate interest in its democratic experiment. He viewed the coup as an unacceptable intrusion. This was also Whitehall’s view, and not only Whitehall’s view. The opinion was held universally. But Penfold was actually prepared to act on it. Shortly after the coup, the Nigerian government attempted to reverse it, but failed. Nigeria reinforced its military presence, and vowed to strike again and reinstate Kabbah. In the meantime, Penfold worked with the exiled government to hire the services of a private UK-based security firm, Sandline, which would help train and arm the Civil Defence Force (CDF) of local fighters in Sierra Leone. The CDF was then actively resisting the junta. In the event, Sandline’s practical involvement was to be minimal, for the Nigerians, working with the CDF, violently dislodged the AFRC in February 1998, just before the Sandline arms arrived. But the apparent involvement of Britain in hiring Sandline created controversy shortly after the restoration of Kabbah, for the supply of arms to Sierra Leone seemed to violate a UN embargo that had been imposed on the country.

The controversy played out with such violence in the British press that even after a Commission of Inquiry issued its findings — the Legg Report — vindicating British involvement and stating that no law had been broken, Penfold was retired by his government. In Sierra Leone, however, he was hailed a hero, and he still enjoys almost star status as the man who helped free the nation from the depredations of a despicable junta. Penfold has since continued his involvement with Sierra Leone. He regularly visits the country, supports a number of projects there (like the Blind School),

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and has spoken out frequently on political issues in the country. He has been particularly vocal in support of Hinga Norman, a former Sierra Leone government minister who has been indicted for war crimes by the UN-backed Special Court for Sierra Leone. Norman, the putative leader of the CDF, worked closely with Penfold to reverse the coup. To Penfold, Norman's indictment constitutes a grave injustice, and a potential threat to the country's hard-won peace.

This interview was conducted for *African Affairs* in May 2004 by Lansana Gberie, a senior research fellow at the Kofi Annan International Peacekeeping Training Centre. In it, Penfold, now retired to his Oxfordshire home in England, sets out his views on Sierra Leone.

Excerpts:

Gberie: Can you reflect on lessons learned from Sierra Leone's peace process? What, in your view, was distinctive about the country's transition from war?

Penfold: I believe that several lessons have been learned from dealing with the Sierra Leone conflict. Before one attempts to resolve a conflict, one must understand it. In the early days, I believe that there were many misunderstandings about the conflict, especially with regard to the RUF, by those involved in the international and regional communities. They tended to regard the RUF as another of the well-meaning 'liberation movements' that we had seen arise in other countries in Africa, such as the NRM (President Yoweri Museveni's National Resistance Movement) in Uganda. Although the RUF had probably started out as a well-meaning group led by disaffected lecturers and students who were fed up with the corruption and mismanagement of the government, it soon changed under Sankoh's leadership and the influence of people like Gadaffi and Taylor. Under Sankoh, the RUF became more like a cult, with himself as its messianic leader. He was able to take advantage of the disaffected unemployed youth and brainwashed them on a diet of coercion and drugs and unrealistic promises of 'pots of gold' once he became president.

Not only did outsiders not fully understand the RUF, they did not appreciate that the Sierra Leone conflict was part of a sub-regional conflict. It was not until the problem of Charles Taylor and Liberia was addressed that the conflict was resolved. Some people tended to view the Sierra Leone conflict as simply an internal struggle for control of the diamonds. This is too simplistic a view and is not accurate. But diamonds did have a role to play, in that the rebels were able to acquire arms and ammunition in return for diamonds, especially from Taylor. Therefore the targeted UN diamond

sanctions were very helpful in resolving the conflict, although it took the international community a long time to realize this.

The views of outsiders were important because Sierra Leone was not able to resolve the conflict on its own. International and regional assistance was needed in resolving the conflict and one cannot underestimate the role played by Nigeria and Britain. The fact that the major country in the region, i.e. Nigeria, and a permanent member of the UN Security Council, i.e. the UK, took an active interest was crucial in resolving the conflict. This had its drawbacks, as Sierra Leone often became a pawn in regional and international politics. It did not help that the legitimate government was so weak.

All conflicts are different, and it is dangerous to assume that there can be set methods for dealing with them. Common problems do not necessarily require common solutions. What was peculiar about Sierra Leone's conflict was that, unlike many other conflicts, there was a clear division between the good and the bad; on one side you had the legitimate, democratically elected government, with all its warts and faults, and on the other a bunch of thugs and rebels, whatever grievances they may have had. The majority of the Sierra Leone people understood this and bravely showed it in their actions. It is a pity that the international community took so long to appreciate it, through ill-conceived attempts to force through power-sharing arrangements with the rebels and granting them blanket amnesties.

The United Nations learned many harsh lessons in the conduct of peace operations which hopefully have now been adopted elsewhere. For example, you should not mount a 'peacekeeping operation' if there is no peace to keep, and when you do commit a UN force, it must have a strong mandate which is clearly understood by all involved, and there must be the numbers and resources to carry out that mandate.

Gberie: What, in your view, were the causes of the AFRC coup of 1997? What role did the UK play in reversing it?

Penfold: Several factors contributed towards the 1997 coup but the essential causes were the disaffection in the army, especially within the lower ranks, and the corruption in the army, especially within the senior ranks. Not surprisingly, given Sierra Leone's recent history, other political forces tried to exacerbate these divisions for their own advantage.

The role of Chief Sam Hinga Norman as the Deputy Minister of Defence, vis-à-vis his role as leader of the kamajor militia, became a contentious issue. The army did not respect him and he did not trust the army. The spark that set off the coup was the government's attempt to curb the corruption in the army. It was in fact the UK/US military training programme at the time which revealed what so many had suspected: that instead of an army of 15,000 soldiers — for which salaries and rice rations

for 15,000 were being drawn each month — the army had an effective fighting force of only 8,000. (This was revealed to me by the then Army Commander, Brigadier Hassan Conteh, a couple of weeks before the coup.) When the President told Conteh that the rice ration would have to be reduced, Conteh and his senior officers, who were in effect rice traders and part-time soldiers, opted to reduce rations for the privates and lower ranks, but not their own. As a result, 17 soldiers rebelled on 25 May 1997. Not surprisingly, the rest of the army soon joined them and the senior officers did nothing to stop them.

It did not help that the President was so inexperienced in dealing with security/military matters. Kabbah did not really trust Norman, and he did not have any other military officer to whom he could turn. Kabbah was relying upon the Nigerians for his protection. It is not surprising that they decided to fly him out of the country to Guinea at the first signs of shooting, but, with hindsight, it would have been better if he had overruled his bodyguards and flown to somewhere within the country, for example, Lungi or Bo, where he might have been able to consolidate his support. The people clearly were incensed by the actions of the soldiers and refused to support them. However, with the President and government out of the country, their resistance was made more difficult.

Initially my main role on behalf of the UK government had to do with the safety and protection of my staff and other foreigners, particularly British citizens. It was for this purpose that I invited the coup-makers to my residence on 26 May, along with the Nigerian, US and UN diplomatic representatives. That and the subsequent meetings, plus the events and reactions outside of Freetown, demonstrated clearly to me that the junta was neither capable of running the country nor had the support of the people. We came very close to persuading Johnny Paul Koroma and the AFRC to stand down and allow President Kabbah to return, but this was thwarted by the RUF.

It is important to note that the RUF were not directly involved in the 25 May coup. At that time Sankoh was detained in Nigeria and his RUF forces were confined to three relatively small areas away from Freetown. However, by inviting the RUF to come and join them in Freetown, it made it much more difficult to resolve the situation. The RUF had been trying for years to force their way into Freetown without success. The AFRC opened the back door for them. They uncorked the RUF genie and then they could not put it back into the bottle. It was the RUF in effect who prevented Koroma from standing down following our week of negotiations. He subsequently admitted to me that it had been a mistake to invite the RUF to join him.

There was early condemnation of the coup by the OAU (Organization of African Unity), ECOWAS (the Economic Community of West African States), the UN and a number of leading countries. Remarkably, not one

country came out in support of the coup, not even countries like Libya, Cuba or Liberia. I was heartened by the reaction. I had seen at first hand the disastrous consequences of military coups in Africa and the ineffective reaction of the international community towards them. All too often coups would take place and the international community would ‘tut tut’, tell the coupists they had done wrong and inquire when they intended to hold democratic elections. This time, backed by the reactions of the Sierra Leone people, the international community, with Nigeria in the lead in Africa and the UK in the lead in the UN, refused to accept the coup and insisted that Kabbah’s government remained the legitimate government. Thus, during our time in exile in Conakry we felt that we were not only fighting for the restoration of Kabbah’s government but for the cause of the last military coup in Africa.

It was important to keep the international community committed and united. By taking this stance we helped keep hope alive in the minds of the suffering and determined Sierra Leoneans. As the UK representative on the spot, I was seen by the Sierra Leone people as personifying this position. My government welcomed the influence I had with President Kabbah and his government and appreciated the kudos we received from other international partners, but they felt uncomfortable with the high-profile role we were playing. They did not fully appreciate the leading role which the UK had with respect to relations with Sierra Leone. They felt particularly uncomfortable over the fact that our co-partner in this endeavour was Nigeria — a Nigeria led by the despotic Sani Abacha. I had to persuade my ministers that, though it was ironic that a country like Abacha’s undemocratic Nigeria was fighting to restore democracy in another country, in fact in Sierra Leone Nigeria was a force for good and we should ‘ring-fence’ our relations with Nigeria with regard to the Sierra Leone conflict, though this should not prevent us from criticizing Abacha for what he was doing in his own country.

The UK position became further complicated over the so-called Sandline Affair. This has been well documented in various reports, including my role in it. One should remember that the New Labour government had just come into power. Sierra Leone was effectively the first foreign policy issue they had to face. While in opposition, Robin Cook, the Foreign Secretary, had attacked the Tory government over the Matrix Churchill affair (arms to Iran). At the first whiff of the Sandline affair, he seems to have assumed that he was dealing with a similar case, and consequently had a knee-jerk reaction without checking the facts. I maintain the view that the UK government, in drafting the UK Order in Council implementing the Sierra Leone sanctions, misinterpreted the UN Sanctions Order and made them applicable to the Kabbah government, which was not the intention of the UN — a fact confirmed by the Legal Department of the UN. As a consequence,

I found myself facing the prospect of a seven-year prison sentence for allegedly encouraging a UK firm to breach a UK sanctions order. Her Majesty's Customs and Excise dropped the case, but this did not stop Robin Cook setting up another Commission of Inquiry and later the House of Commons Select Committee investigating the matter.

This was all very distasteful for me, but what causes me the greatest concern is that, at the very time when the UK government should have been directing all their energies to shoring up the infant democracy which we had just helped restore in Sierra Leone, they were instead focused totally on what I regarded as the peripheral matter of the Sandline Affair. If we had focused our attention on helping the Kabbah government and encouraging others to do so, maybe later events, for example, the 6 January 1999 invasion of Freetown [by the rebels], which resulted in the awful murders and atrocities and the subsequent deployment of British troops, might not have taken place.

Gberie: You have expressed strong views about the indictment of Hinga Norman by the UN-created Special Court for Sierra Leone. Why are you so passionate about this one case?

Penfold: I am appalled at the way Chief Sam Hinga Norman has been treated. In my experience, Sam Hinga Norman was the one government minister who tried to stop the illegal coup in May 1997, at great personal risk to himself. After President Kabbah and most of his ministers had fled the country, Norman remained behind trying to rally forces loyal to the President. For days we kept him in hiding and eventually had to spirit him out of the country on board the *USS Kearsage*. After that, he helped organize the resistance against the AFRC junta inside Sierra Leone with the Civil Defence Forces (CDF), the only indigenous force under the command of the President. The CDF made a significant contribution towards the restoration of the democratic government, and, although I do not dispute that some members of the CDF may have committed some terrible deeds — fighting fire with fire — I do not believe that these were part of an orchestrated and deliberate policy, in contrast to the RUF; nor do I believe that Chief Norman should be held personally responsible for them.

Chief Norman also played a key role in the subsequent peace process. In the eyes of most Sierra Leoneans, and me, he is a hero. That he should now find himself indicted for 'war crimes' is an outrage and an injustice. What message does Sam Norman's indictment send to others who are prepared to fight for the cause of peace and democracy?

Gberie: So what do you think this whole Special Court will lead to? Do you see it as a potentially destabilizing instrument, or a useful instrument in Sierra Leone's transition from war to a peace process?

Penfold: Though set up with good intentions, I believe that the Sierra Leone Special Court no longer has a useful role to play and should be disbanded. Its continuation could undermine the fragile peace which has been achieved in Sierra Leone.

I have expressed several reservations about the Special Court in various articles (for example, 'Will justice help peace?', in *The World Today*, November 2002). With the death in detention of Foday Sankoh (the person who did bear the greatest responsibility for the atrocities), the reported death of Johnny Paul Koroma and the unlikelihood (in my opinion) that Charles Taylor will face the Special Court, I see no further purpose for this expensive and divisive piece of judicial machinery. The only detainee of any stature is Chief Sam Hinga Norman, thereby creating the impression that he is the one who 'bears the greatest responsibility' for the atrocities. This is ridiculous.

I accept that the international community cannot allow people to commit awful atrocities with impunity. That is why the International Criminal Court (ICC) has been established. The ICC cannot be used for the Sierra Leone war crimes because it had not come into being at the time that the atrocities were committed, but if some of the others indicted by the Special Court need to be prosecuted, they should be handed over to the Sierra Leone courts, which are perfectly capable of trying them (as was demonstrated during the internationally monitored treason trials). We should be doing everything to support the work of the ICC, instead of being diverted by judicial experiments like the Sierra Leone Special Court.

I find the role of the US government in all this particularly incongruous. I believe that it is no coincidence that the one major country which does not support the ICC is the main country supporting the Special Court. The US is the leading funder of the Court to the tune of around \$60 million¹ and its Chief Prosecutor is a retired US military prosecutor. At the very time when the Americans are pushing the work of the Special Court, they have signed an agreement with the Sierra Leone government (and other governments around the world) exempting US citizens from being sent to the International Criminal Court for committing atrocities and human rights violations. Here

1. Some Special Court staff claim that the Netherlands is the leading financial contributor to the Court. Asked for clarification, a Court spokesperson informed *African Affairs* that the US, the UK and the Netherlands were the biggest funders, although he was unsure of the exact order. He added that exact comparisons were difficult because some countries contribute resources in kind or through seconded personnel.

again is an example of the United States decreeing 'Do what I say, but not what I do'. In the light of events in Iraq, this is especially duplicitous.

Gberie: What keeps you so attached in Sierra Leone even after the cruel way you were treated by your government over it?

Penfold: My love for Sierra Leone is part of my wider commitment to Africa, where I have spent the majority of my working life. It has been both rewarding and frustrating, but never dull.

Sierra Leone is a special country. I have written recently that what attracts one to the country is the people. One cannot help but admire their courage and resilience as they grapple to achieve peace and embrace democracy. Every single Sierra Leonean has suffered a personal tragedy in recent times, whether it is the loss of a loved one or a limb, a home or a job, and yet they have demonstrated an amazing capacity to pick themselves up and move on. They have suffered so much, they deserve better.

I have felt honoured to be appointed a Paramount Chief and a Freeman of the city of Freetown and I take both honours seriously and try to meet my obligations.

I think it is particularly important in Sierra Leone's case to help the disabled and unfortunate. In this connection I have developed a close link with the Milton Margai School for the Blind in Freetown and I was delighted that we were able to arrange for the school's choir to tour the UK last year. They were an inspiration to all who met them. We have now established a charity in the UK to support the School, of which I am the Chairman.

Gberie: What is your view of the current UN deployment in Liberia?

Penfold: As I mentioned earlier, one of the lessons to be learned from the Sierra Leone conflict was that it was part of a sub-regional conflict and that until Charles Taylor was dealt with there could be no lasting resolution of the conflict. Thankfully this was finally recognized. Charles Taylor has now gone but the peace has still to be won. The peace process in Liberia needs to be carefully handled and requires a strong commitment from the international community, especially the United States, which needs to play the role that the UK did in Sierra Leone, including, if necessary, the deployment of troops.

If the process unravels, then the fragile stability in Sierra Leone will be threatened, the potential for trouble in Guinea will be exacerbated, and the chances of resolving the conflict in the Ivory Coast will be harmed. I do not think that it would help to return Taylor to the new Liberian government nor to hand him over to the Sierra Leone Special Court at this time.

As we learned with Sankoh in Sierra Leone, it is best to keep him out of the picture while we consolidate the peace.

Gberie: Any reflections on your long diplomatic career?

Penfold: My 38 years working as a British diplomat have been very fulfilling. I have especially enjoyed serving in Africa and in smaller posts where it was possible to see some tangible results of one's efforts. From working in Africa, one derives a better sense of the priorities of life. Coming back to the UK, I am always amazed at what people consider to be important, as demonstrated by the front pages of most newspapers, for example, the activities of footballers and television performers.

As a Christian, I have felt more at home in Africa. I believe that the more you can put people in touch with one another and the more you can understand the other person's point of view, the easier it is to resolve the inevitable frictions and conflicts which will arise from time to time. It has been rewarding to have a job directed to achieving this.