Sierra Leone Constitutional Review Committee
Monthly Newsletter
January - May 2016

UN Resident Coordinator and UNDP Resident Representatives’s Message

As the new United Nations Resident Coordinator, it is my pleasure to present the latest update from the CRC. The United Nations is committed to supporting this process, which carries the potential of being a transformative agent for positive change in Sierra Leone.

When completed, it will go on to fulfill the long standing recommendation of the Truth and Reconciliation Commission and the UN Security Council.

Firstly, I wish to recognize the efforts of the Government of Sierra Leone, which through the Attorney General’s Office has provided strong support to the Constitutional Review Process since its inception in 2013. This initiative has been maintained even through what has been a difficult chapter in the country’s history, and all participants deserve recognition for their hard work. Members of the CRC have been instrumental to the process, from setting up nationwide consultation meetings, drafting and distribution of questioners to producing the first draft. This will undoubtedly serve as inspiration to other nations struggling with similar challenges and working on ways to upgrade their national legal framework to modern standards.
The Constitutional Review Committee (CRC) has validated its draft report in the provincial districts. Four teams of 8 subcommittee members traversed the length and breadth of the country soliciting the aspirations of people on the draft report, with the aim of validating the draft report that was published in February 2016.

On Tuesday 3rd May, the Committee held fruitful meetings in Bonthe Island, Kailahun, Kono and Koinadugu Districts. The meetings were attended by various stakeholders including Paramount Chiefs, Chiefdom Speakers, District Officers, persons with disability, women, students, the youths, bike riders, religious groups, farmers and many others.

On Thursday 5th May, 2016, meetings were held in Kenema, Mattru Jong, Tonkolili, and Bombali districts. Like the previous areas, stakeholders were drawn from diverse backgrounds.

The last set of validation was done in the following districts on Saturday 7th May, 2016. Port Loko, Kambia, Moyamba and Pujehun. The meeting in Bo district was however held on Monday 9th May, 2016. Almost all meetings were done at the city or town council halls.

CRC members representing each of the thematic sub-committees lectured participants about the proposals in the draft report before the group work sessions. This was to give participants the enviable opportunity of not only understanding the issues better but also creating the space for fruitful deliberations.

The meetings were very interactive with participants exerting renewed energy to ensure that the most popular views were reflected in the final document. Controversial as well as non-controversial issues were lengthily discussed and vigorously analysed before a resolution was reached in every deliberation. Issues included the death penalty, the separation of power, justiciability of state policies, the land tenure system, citizenship laws, information, communication and the media, the composition of the Independent Media Commission and the appointment of the Chairperson, appointment of the Chief Justice and members of the Judicial and Legal Service Commission, among others.

There were thorny issues that commanded the attention of all and sundry including Paramount Chiefs, civil servants, the youths and women. Women were generally concerned that the Constitutional Review Committee (CRC) did not expunge what they referred to as the "infamous Section 27(4)(d and e), they therefore pushed for its removal from the draft report.
So far, the process has been participatory and consultative despite relatively modest resources. I would like to urge the CRC to continue with its close and meaningful engagement with all members of the Sierra Leone society, making extra efforts to reach out specifically to under-represented and marginalized groups such as women and youth.

The Government of Sierra Leone has also shown the world that the country is working hard towards the new Sustainable Development Goals. These truly global goals should guide our work as we enter this new chapter of human development. Therefore, I hope to see the CRC be an advocate for these goals and also help support the country in achieving them.

It is important to note that the upcoming referendum merely marks the beginning of what will be a long process. The provisions of the new constitution must be translated into reality through revised laws, policies and practices. With the kind of dedication and hard work we have already seen from the CRC and partners, I am convinced that it can be done.

I would also like to thank our international partners and donors, including the Department for International Development and the European Union. It is through your necessary funding that the CR process is moving forward.

I thank you all, and look forward to seeing what the future holds for the CRC.

Sunil Saigal
Participants were interested in the recommendation from the CRC that forbids a Sitting President from sacking his Vice President when they lose membership of the political party that voted them into office. Whilst some agree with the recommendation that the dictates of Section 51 must be followed before a sitting Vice President could be sacked, others contend with this view stressing that the President must be constitutionally empowered to out rightly sack his Vice President when he/she ceases to be a member of the political party that brought him to power.

Participants were divided into groups to critically review various thematic issues that were contained in the Abridged Draft Report of the CRC. After lengthy deliberations they presented what the group agreed on. In each district, there were 7 groups namely, the judiciary, legislature, executive, land, natural resources and the environment; information, communication and the media; state policy and human rights, local government and other ancillary branches of government.

The views presented on the various thematic issues has to be collated and analysed before any sober conclusion could be drawn on what has been endorsed or what has been rejected by the people. This is the case because in each district the people differ on their aspirations for the revised Constitution.

The Constitutional Review Committee (CRC) would compile and analyse the views, debate the issues at plenary level before coming up with the final report that would be presented to the Government. Prior to the District Validation, CRC distributed the Abridged Draft Report across the country and sensitized people about the content of the report.

Generally, the meetings were well attended. Not only did participants interacted with the CRC very well, they also had an opportunity to ask questions about the composition of the CRC, its terms of reference, rules of procedure for meetings and many other issues that they thought were of interest to them.

The Constitutional Review Committee (CRC) was inaugurated on 30th July, 2013 by the President of Sierra Leone, Dr Ernest Bai Koroma to review the Constitution of Sierra Leone Act No 6 of 1991 in tandem with the Report of the Commission to review the 1991 Constitution, Dr Peter Tucker’s Report. The 80 member Committee comprises politicians, civil society activists, youth groups, women’s organizations, persons with disability, media practitioners, the judiciary, Bar Association and civil servants.

In line with democratic constitution making, the Committee is charged with the responsibility of garnering the wishes and aspirations of the people to revise the 1991 Constitution.
Ministries, Departments and Agencies (MDAs), Community Based Organizations (CBOs) and many other esteemed members of society attended the meetings and made invaluable contribution to the process by way of validating the Abridged Draft Report.

The people agreed and disagreed on many issues that were proposed in the draft report. There were arguments for and against some of the issues propounded in the report but at the end of the session; the groups were able to reach a consensus. Like the provinces, the debates were fierce but friendly.

The deliberations were prefaced by the presentation of the contents of the Abridged Draft Report by the Constitutional Review Committee (CRC) members. Each of the five teams had a member representing one of the 8 sub-committees. These include the Judiciary, Executive, Legislature, Local Government, Natural Resources, Information/Communication and media; Research and State policy and Human Rights.

Issues like the legislation of the National House of Chiefs, the duration of the term of office of Mayor or Chairpersons or Councillors, whether or not local council elections should be partisan, ownership of land by citizens, natural resource management, the protection of the environment, processing of mining.

Like the provinces, the Western Area validation went on well. The meetings took place from Monday 16th May - Wednesday 18th May, 2016. Five meetings were held daily with wards amalgamated based on their proximity.

Participants, mostly those who were consulted for the review of the Constitution of Sierra Leone Act no 6 of 1991 were invited to validate the abridged draft report. Although the gathering was also open to interested members of the public. They did justice to the document by highlighting the strength and weaknesses but also the significance of amending those clauses that have the temerity to drag the nation to its ugly past.

Meeting for residents of Wards 338,339, 340 and 341 was held at the Winikon Complex, Parsonage Street, Kissy. Wards 376,377,378,379 and 381 were held at the Ebenezer Millenium Hall, Ebenezer Church, Circular Road whilst the following Wards - 380,382, 383, 384 and 385 had their meeting at the YWCA Old Hall, Brookfields.

Meetings for wards 386,387,388 and 389 were held at the Josben Complex, Brookfields. The following Wards converged at the Babadorie Community Centre, Lumley - 390,391,392,393 and 394. The final meeting for Team 5 was held at Kusi Town Community Centre for the following Wards - 342,343,344 and 345.

Meetings were held all across the Western Area including Waterloo, Hastings, Grafton, Jui, Allen Town, Calaba Town, Wellington, Kissy, Central Freetown, Brookfields, Aberdeen, Lumley, Goderich, Freetown Peninsula and many other places. The wards were merged due to the limited funds available to the Committee but the meetings were well attended.

Councillors, persons with disability, teachers, the youth, women, Village Headmen, Tribal Heads, students, civil society organizations (CSOs), Non-Governmental Organizations (NGOs),

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Other issues discussed were whether or not the president should continue to be a Member of Parliament, whether or not a fixed date should be legislated, MPs having an office in their constituencies. These were not the only issues discussed.

The meetings were attended by close to 10,000 people in the Western Area with full representation by women. The Chairman of the CRC, Justice Edmond Cowan went round the meetings educating people about the process stressing the need for people to fully participate since the process was there's.

The Constitutional Review Committee (CRC) will collate and analyse the outcome of the validation meetings including the feedback from the response forms and various submissions from interest groups in the country. These would be used to produce the final report which would be presented to the President.

The Constitutional Review Committee (CRC) was inaugurated on 30th July 2013 by President Ernest Bi Koroma to review the Constitution of Sierra Leone Act No 6 of 1991. The Committee did wide consultations throughout the country before producing a Draft Report which was recently validated. The Committee comprises persons from all works of life. The Committee is expected to submit its final report later this year.
The Women of Sierra Leone have presented a paper titled ‘Women’s solidarity response and final recommendations to the CRC Abridged Draft Report of February 2016.- Wetin Saloon uman dem want na di revised Constitution.’

In their presentation to the Chairman of the Constitutional Review Committee (CRC), submission contains realistic and achievable minimum requirements that respond effectively to the draft report. Women want a stand-alone chapter on women’s rights in the revised Constitution together with many other rights as seen below.

- Language that is simplified and gender neutral to be used throughout the Constitution (Example he/she or (s)he) Chairperson,
- Every citizen shall have right to acquire, inherit, use, transfer, access, manage and administer land and natural resources.
- CRC to add national values into the Constitution
- Women have the right to maternity leave and pay.
- Social protection to be extended to vulnerable persons and survivors of sexual and gender based violence

According to Maude Peacock, the President of Women’s Forum Sierra Leone, the

Justice Edmond Cowan on 15th April 2016, the women said that the submission represents a final unified solidarity response that emanated from a National Women’s Conference of 24th March, 2016 in response to the CRC Abridged Draft Report of February 2016. They said the paper took into account the many position papers developed by women’s groups as well as the reports of several consultations over the past three years. The position reflects the wishes and desires of the women of Sierra Leone.

- Civil, Christian, Muslim and customary marriages should be accorded equal recognition and respect
- The Speaker and Deputy Speaker of the House of Parliament, Mayors and Deputy Mayors of City Councils, Chairpersons and District Councils and other bodies must not be of the same gender.
- Not more than 50% of every elective and appointive position shall be constituted of each gender. There must be gender equality in the appointment of Judges. Gender equality in all Commissions especially Parliamentary Service Commission, Judicial and Legal Service Commission, National Electoral Commission and the Independent Media Commission.
- Political parties shall be required to select women candidates in at least 50% of the Constituencies and wards in every district or shall be barred by NEC from contesting in that district.
- The establishment of Gender Equality and Women’s Empowerment Commission by the Constitution
- New right to citizenship to be entrenched
- Everyone has the right to education and health including sexual and reproductive health

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Women respond to the Draft Report-Re-present the solidarity position paper

The women in their solidarity position paper reacted to many issues proposed in the Draft Report of the CRC including proposals on land, natural resources and the environment, education objectives, social objectives, duties of the citizen, fundamental human rights and freedoms of the individual, access to justice for women and many other recommendations aimed at giving women the necessary upliftment that they have been longing for.

Justice Edmond Cowan, the Chairman of the CRC remarked that the Revised Constitution would reflect the wishes and aspiration of the people stressing that the women have rightfully reacted to the draft report. He emphasized that the Committee was happy to see that people were responding to the proposals and making alternative proposals.

The document would be distributed among CRC members to review it and take appropriate action.’ Justice Cowan concluded. The presentation ceremony was attended by various women’s groups in the country.

Anti Corruption Commission presents position paper to CRC

The newly appointed Commissioner of the Anti-Corruption Commission, Ady Macauley has presented a position paper to the Chairman of the Constitutional Review Committee (CRC), Justice Edmond Cowan on their aspirations for the revised 1991 Constitution.

Presenting the document, Commissioner Ady Macauley lamented that the ACC is conspicuously absent in the 1991 Constitution of Sierra Leone unlike other agencies of Government like the Audit Service Sierra Leone, Office of the Ombudsman and others.

In their 3 page Position Paper, the ACC highlighted that Section 7 of the ACC Act of 2008 lists out the functions of the Commission. Chief among many others is the responsibility to take all necessary steps to prevent, eradicate and suppress corruption in Sierra Leone. Such steps include the receiving of complaints of alleged corrupt practices and other contraventions of the Act and the investigation, prosecution and punishment of corruption and corrupt practices in Sierra Leone.

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Anti Corruption Commission presents position paper to CRC

They went further to state that by the Constitutional Amendment of 2008, the prosecutorial powers of the Attorney General under Sections 64 (3) and 66 (4)(a) of the 1991 Constitution in respect of any offence against the laws of Sierra Leone have been limited to exclude offences dealing with corruption as prescribed under the ACC Act of 2000. Following this constitutional amendment in 2008, the Anti-Corruption Commission became duly seized with the mandate of prosecuting all corruption offences in Sierra Leone.

The ACC made the following recommendations:

The Anti-Corruption Commission like the Offices of the Ombudsman and Auditor General must be provided for under the new Constitution with clear independent powers to prosecute all corruption related offences as enshrined under the 2008 ACC Act of Sierra Leone. Furthermore, clear-cut provisions relating to the recruitment, resource allocation and removal of staff of the Commission must also be set out within the new Constitution.

Secondly, possibility exists for a government that is uncomfortable with the work of the Commission to wake up one morning and amend the ACC Act of 2008 or the Constitutional Amendment of 2008 in ways that might deprive the Commission of effective resources and/or independent prosecutorial powers to carry out its work and operations. But such would be impossible if the institution was enshrined within the constitution and mandated with such prosecutorial powers.

The former Commissioner of the Anti-Corruption Commission, Joseph Fitzgerald Kamara attended the meeting and made few remarks. He dilated on the need to have the ACC enshrined into the Constitution due to the numerous reasons highlighted above.

Receiving the paper, the Chairman of CRC, Justice Edmond Cowan said he was happy that people were responding to the draft report that was published in February, 2016. That was the expectation of the CRC, to get as many people as possible to express an opinion on the proposals that the Committee presented to the people.

The Commission justified their recommendation on the following:

The ACC is a creation of Parliament and not the Constitution. Unlike a Constitution, an Act of Parliament can be easily amended or repealed. It is therefore risky to leave such a desirable institution standing on just the foot of an Act of Parliament.

Several Directors of the Commission were present for the meeting together with representatives of the Constitutional Review Committee.
NaRGEJ presents response to CRC Proposals

The Natural Resource Governance and Economic Justice Network (NaRGEJ-SL), a network that envisions ‘Sierra Leone converts her natural resource endowments into lasting benefits, security and prosperity for her citizens through accountable and transparent management, structured transformation and economic diversification for sustainable development’ has responded to the draft report of the Constitutional Review Committee (CRC).

NaRGEJ said they were pleased that a large chunk of their recommendations were accommodated in the Abridged Draft Report.

Presenting the response document, Abu Brima and Lavina Banduah said that they hoped the Committee would find the presentation useful and they were looking forward to the acceptance of the suggestions.

They stressed that the management of lands, natural resources and the environment mining in Sierra Leone had a long history and that history is often described as a love-hate one.

The activities in those sectors had been viewed with suspicion and had been seriously questioned for several key reasons. They made a number of recommendations including the following:

**Land**

- Freehold and leasehold should be adaptable in all regions in the country
- Any land that has no owner, such land should be used for community purpose only and should not be the property of any individual, group or family.
- Every citizen has the right to acquire land in any part of the country (whether freehold or leasehold)
- Threshold of land that an individual can own must be defined (perhaps a policy matter). The amount of town lots and acres an individual/group should possess needs to be limited based on uses and need.
- Access to land by all citizens by birth or naturalization must be given the right to own land irrespective of their colour in line with the suggested provisions in the draft report.

**NATURAL RESOURCES**

All natural resources in their natural state in, under or upon any land in Sierra Leone, rivers, streams, water courses throughout Sierra Leone, the exclusive economic zone and any area covered by the territorial sea or continental shelf is the property of the Republic of Sierra Leone and shall be vested in the natural resources Commission on behalf of, and in trust for the people of Sierra Leone.

The reasons are that the Commission will be in a position to respond to community need/concerns in a localized fashion. Secondly, the Commission is all inclusive (different stakeholders) representing all categories of society.

**ENVIRONMENT**

- Mining should be done in ways that minimise/reduce adverse effect on environment and the people’s lives
- All mining companies must comply with their corporate obligations such as land reclamation/afforestation, compensations, relocation of affected communities
- With or without scientific evidence mining companies should institute actions to correct any envisaged situation.

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NaRGEJ presents response to CRC Proposals

- The environmental impact and social assessments activities must involve the affected people in communities and the result adequately shared with the people.
- All major roads leading to mining sites in town used by the haulage traders must be tarred
- Civil Society be included in the arrangement between the Chiefs, Government and Companies to ensure effective monitoring of agreements.

They concluded in their response paper that as a people Sierra Leoneans need to reflect on what the future holds for them. Sierra Leoneans they say must be thinking inter-generationally because the resources are exhaustible and irreplaceable.

They concluded that as a nation, ‘we must make sensible use of our natural resources for the benefit of all.

Justice Edmond Cowan, the Chairman of the CRC thanked them for the response and assured them that the CRC would look into the paper and take the necessary action. He said the essence of publishing the Abridged Draft Report was to get the kind of feedback that NaRGEJ has done. He however warned that not everything they requested for would be reflected in the final document.

BBC Media Action collaborates with CRC to discuss issues in the Draft Report - Tok Bot Salon

In continuation of their Tok Bot Salon radio Programme, the BBC Media Action has organized a debate on the recommendations of the Constitutional Review Committee (CRC) relating to land, natural resources and the environment.

The programme which took place on Wednesday 23rd March, 2016 at the Makeni City Council Hall, Northern Sierra Leone attracted participants from various walks of life.

Presenters, Allieu Sesay and Olabisi Garrick asked series of questions ranging from the rationale for the establishment of a Chapter on lands, natural resources and the environment to the need to harmonise the two land tenure systems in the country.

Justice Edmond Cowan stated that the laws relating to land, natural resources and the environment were scattered in bits and pieces in the Constitution. He furthered that it was only then that the Government was developing a National Land Policy to sanitize the chaotic land administration situation in the country.

Emilia Kamara, a women’s rights activist was opposed to the idea of harmonizing the two land systems since it would be at the disadvantage of inhabitants of the hinterland/provinces.

Abass Kamara, a representative of a local Non-Governmental Organization (SiLNoF) emphasized that the two systems must be harmonized but there should be a clause that limits the acquisition of land in villages and small communities. There should be free-hold of land in big towns and cities. Osman M Bangura, a teacher who also represented the Bombali Youth Council.

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opined that the acquisition and sale of land is a very thorny issue in the country. He queried whether the laws would make restrictions as to the quantity of land one should buy at any given community.

Alfred Sesay working for Health for All Coalition recommended that people should declare the purpose for which they want to acquire land when buying those lands.

Justice Cowan said “we have very good laws in the country but those laws are not respected by the people. Change doesn’t happen overnight, it has to be by evolution. The CRC want people to contribute in the ongoing review process that is why we are moving across the country to garner your views and aspirations.”

Surface rent, multiple sale of land, global warming, environmental degradation and others are some of the major issues confronting Sierra Leoneans dealing in land issues all over the country. Everyone in that meeting agreed that natural resources must be protected by the Government if future generation are to derive any benefit from them.

Muniru Koroma, the Secretary, Land, Natural Resources and the Environment Subcommittee of the CRC reiterated that the Committee has been working round the clock to ensure that the country has one of the best land administration laws in Africa.

Similar Tok Bot Salon live radio discussion programmes were also held in Bo and Freetown respectively.

Topics discussed included state policy, human rights, citizenship, the administration of justice, powers of the president, among others. All programmes were attended by the Chairman of the Constitutional Review Committee (CRC), Justice Edmond Cowan, the Communications and Outreach Coordinator, Mohamed Faray Kargbo and other members of the CRC. All programmes were held in March 2016 few weeks after the publication of the Abridged Draft Report.
A number of reactions/feedback followed the publication of the Abridged Draft Report in February 2016. On the 4th April, 2016, the Secretary to the Vice President, Dr Julius F. Sandy made a number of recommendations on the report. He started by stating that he was convinced that considerable efforts were invested into the Constitutional Review Assignment.

Dr Sandy made it clear that his general interest was to collectively build a strong, productive and law abiding Sierra Leone that works for all. He commented on a number of issues primarily those dealing with the Public Service Domain Part 71 - Management of the Civil Service.

“I note the submission of the CRC that a ‘new encompassing body be set up to deal with these operation.” My simple reaction to this recommendation is that it is unproductive to concentrate the entire management of the Civil Service into one “Encompassing Body.” noted the learned Scholar. This is his justification against setting up an encompassing body to address issues relating to the Public Service. “In an institution as big and diverse as the Public Service, it is important and much credible to distinguish between an institution that is responsible for Regulation and Recruitment and one that undertakes the day to day management. In essence role clarity must be established ab initio.”

Dr Sandy commended the CRC on the extension of the retirement age of Judges from 65 to 70 years and suggested that the retirement age of other civil servants be also increased from 60 to 65 years.

He lamented that currently a few Civil Servants were either engaged on extension of service or are benefiting from Contract Appointments beyond the Statutory Retirement Age limit of 60 years. These he went further could be avoided by statutorily setting the retirement age of Civil Servants at 65 years.

The Constitutional Review Committee (CRC) would look into these issues and take appropriate action to ensure that the country has laws that will stand the test of time.
VGGT comments on the Draft Report of CRC

The Technical Working Group (TWG) supporting the implementation of the Voluntary Guidelines for the Responsible Governance of Tenure of Lands, Fisheries and Forests in the context of National Food Security (VGGT) has made a number of comments/feedback on the Abridged Draft Report of the Constitutional Review Committee (CRC).

They made both general and specific comments on the proposals not least those that relate to Lands, Natural Resources and the Environment. TWG thanked the Committee for the collating and consolidating submissions received from across the country and the diaspora.

TWG further acknowledged that the report proposes to include the right to food, and to remove a lot of existing discriminatory provisions regarding natural resources governance in the country. They also appreciates the Committee’s multiple references to the recently approved National Land Policy 2015, however, the language of the report gives the impression that the constitution should align itself to the policy rather than the other way round. It should be clear that the constitution is a fundamental law that provides direction to executive and legislative policy and law making.

In addition, the TWG finds that the Chapter on Natural Resources includes too many definitions, whereas the constitution should focus on fundamental principles.

They want the CRC to give serious thought to the following:

Part 1 - Lands

Section 1 - Definition of Land......

"Sovereignty and sovereign title to land belong to the people of Sierra Leone from whom government through this constitution derives all its powers, authority and legitimacy."

This statement they say is very good. It properly situates ultimate ownership of land and the source of governmental power. However, they went further it would be necessary to clearly define what land is (Its relationship with other natural resources that are found on and under land) in the definition section that needs to be embedded within the constitution, rather than just stating the sources of sovereignty over land.

On the thorny issue of the land tenure system, VGGT had this to say: “In our view, there is no reason why this section should pose serious divisions. The current chapter on land clearly envisages two tenure systems: customary and general. The land policy which the CRC references will pursue a system of harmonisation rather than amalgamation. According to pre-policy formulation surveys across the 149 chiefdoms and the Western Area, respondents indicated a preference for the two systems to co-exist but with important reforms across both.”

The Chairman of the CRC, Justice Edmond Cowan received the paper and assured them that CRC would look into their recommendations and comments for possible review of the proposals contained in the Draft Report. He concluded that the essence of the draft report was to get feedback from stakeholders as they were doing then, so that the Committee can do the most appropriate changes that would stand the test of time.
The publication of the Draft Report of the Sierra Leone Constitutional Review Committee (CRC) sparked spontaneous responses from far and wide. People within and outside the country wasted no time to send feedback on their thoughts about the report. Suffice it to say that a good number of people appreciated the work of the Committee and the fact that it was able to produce a draft that meets the expectation of the people. One such person who was thrilled by the outcome of the process is an academic doctor who lives in the United States, Dr. Benedict L. Kargbo. This was what he wrote to the Committee as a response to the Abridged Draft Report of the CRC.

“This is my contribution to the constitutional review committee for a very good job done you members I am sure you are the best. I thank you for work well done. The people of Sierra Leone, in order to form a more perfect nation, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and prosperity.

The 1991 constitution on like the original 1961 constitution of Sierra Leone with three (3) branches of the government (1) Legislative, (2) Judiciary (3) Executive, therefore, the President should be the person to appoint Judges and Justice including the Chief justice. I believe the Judiciary does not appoint Chief Justice. In every civilized country the President has always been the person responsible for the appointment of the Chief Justice, let’s not mix apples and oranges.

The Office of Attorney General separated from the Minister of Justice. It’s wrong, two objections maybe raised to the Constitutional Review Committee: The meaning of pragmatism maybe illustrated by two people disputing, at the dinner table, over which of the two pies is the more desirable. Each claims that his is the better. After some exchange of pros and cons, they finally resort to the tasting of each other’s portions now both agree that the one is preferable and the argument is thus resolved in terms of experience. The instrumental phase is also characteristic of this doctrine. Ideas themselves are evaluated by whether or not they lead to the desired result, subjectively or objectively. For instance, if one has the address of a Sierra Leone and conceives of a route by which to find the way. The notation of the means will be justified by whether or not it will bring the former to his destination. It is the philosophy of the business man with whom any means to a profitable and is adopted as a policy of action upon the excuse of expediency. Pragmatism is not concerned with truth in the absolute sense, but instead with the conditions which mediate the desirable, and consequently ignores the question of reality. “My opinion” the Attorney General’s office should not be separated from the Minister of Justice all are under the Judiciary branch. What needs to separate is the “Inspector General’s office from the Police Department.” You can have a Police Commissioner or Superintendent, but Inspector General in most country has always been an independent office from the Police Department.

Most of you the Committee Members have live in oversea never the Inspector General with the Police Department. The position is headed by an Attorney. The police are involved only when rules and regulations are broken to investigate.

House of Paramount Chiefs to be created-
Created for what? As Members of Parliament. Neo-realism Constitutional Review Committee idea of creating house of Paramount Chiefs in Parliament is a way to under mind the authority of the Paramount Chiefs. One maybe intellectually sound and nobly ideal in your thoughts, but unless applied they are worthless in lifetime. The truth is determined by its relativeness to the dominions interstate anytime. Realism has commonly stood for that which exists independent of cognition. For the Neo-realist, an idea does not only depend upon the objects of perception but is that one with it. What is called an idea is not a separate mental entity as a representation of a thing. According to CRC suggestion looks like in order of realism appears to be a metaphysical counterpart of behaviourist psychology. I am not sure if I may ask the Committee Members are the Paramount Chiefs aware or participate in this idea. These people are elected by their chiefdom member for life why do you want to mortgage their position for the name of politics, it’s wrong. Example (i.e) the Governors in the United States of America belong to different parties but are not members of Parliament. I came from a ruling house, my father is Paramount Chief and my mother’s father a well.

People within and outside the country wasted no time to send feedback on their thoughts about the report. Suffice it to say that a good number of people appreciated the work of the Committee and the fact that it was able to produce a draft that meets the expectation of the people. One such person who was thrilled by the outcome of the process is an academic doctor who lives in the United States, Dr. Benedict L. Kargbo. This was what he wrote to the Committee as a response to the Abridged Draft Report of the CRC.

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Most of you the Committee Members have live in oversea never the Inspector General with the Police Department. The position is headed by an Attorney. The police are involved only when rules and regulations are broken to investigate.

House of Paramount Chiefs to be created-
Created for what? As Members of Parliament. Neo-realism Constitutional Review Committee idea of creating house of Paramount Chiefs in Parliament is a way to under mind the authority of the Paramount Chiefs. One maybe intellectually sound and nobly ideal in your thoughts, but unless applied they are worthless in lifetime. The truth is determined by its relativeness to the dominions interstate anytime. Realism has commonly stood for that which exists independent of cognition. For the Neo-realist, an idea does not only depend upon the objects of perception but is that one with it. What is called an idea is not a separate mental entity as a representation of a thing. According to CRC suggestion looks like in order of realism appears to be a metaphysical counterpart of behaviourist psychology. I am not sure if I may ask the Committee Members are the Paramount Chiefs aware or participate in this idea. These people are elected by their chiefdom member for life why do you want to mortgage their position for the name of politics, it’s wrong. Example (i.e) the Governors in the United States of America belong to different parties but are not members of Parliament. I came from a ruling house, my father is Paramount Chief and my mother’s father a well.

"This is my contribution to the constitutional review committee for a very good job done you members I am sure you are the best. I thank you for work well done. The people of Sierra Leone, in order to form a more perfect nation, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and prosperity.

The 1991 constitution on like the original 1961 constitution of Sierra Leone with three (3) branches of the government (1) Legislative, (2) Judiciary (3) Executive, therefore, the President should be the person to appoint Judges and Justice including the Chief justice. I believe the Judiciary does not appoint Chief Justice. In every civilized country the President has always been the person responsible for the appointment of the Chief Justice, let’s not mix apples and oranges.

The Office of Attorney General separated from the Minister of Justice. It’s wrong, two objections maybe raised to the Constitutional Review Committee: The meaning of pragmatism maybe illustrated by two people disputing, at the dinner table, over which of the two pies is the more desirable. Each claims that his is the better. After some exchange of pros and cons, they finally resort to the tasting of each other’s portions now both agree that the one is preferable and the argument is thus resolved in terms of experience. The instrumental phase is also characteristic of this doctrine. Ideas themselves are evaluated by whether or not they lead to the desired result, subjectively or objectively. For instance, if one has the address of a Sierra Leone and conceives of a route by which to find the way. The notation of the means will be justified by whether or not it will bring the former to his destination. It is the philosophy of the business man with whom any means to a profitable and is adopted as a policy of action upon the excuse of expediency. Pragmatism is not concerned with truth in the absolute sense, but instead with the conditions which mediate the desirable, and consequently ignores the question of reality. “My opinion” the Attorney General’s office should not be separated from the Minister of Justice all are under the Judiciary branch. What needs to separate is the “Inspector General’s office from the Police Department.” You can have a Police Commissioner or Superintendent, but Inspector General in most country has always been an independent office from the Police Department.
Mr Bangura argued that CRC’s recommendation for the Chief Justice to be appointed by the Judicial and Legal Service Commission ‘is in contrast to tradition’ and goes against the standards in all Presidential and Parliamentary democracies around the world, USA, UK, Canada, Kenya, South Africa, etc.

He premised his recommendation on the grounds that the Chief Justice is the Head of the Judiciary, the third arm of government and could exercise the powers and functions conferred on the President in the event of the absence of the President, the Vice President and the Speaker.

Mohamed Bangura had this to say on the Presidential Term Limit, “I also strongly hold the view that citizens should not be permanently barred from office. Examples from advanced democracies such as Australia, Britain, Japan and Germany show that political leaders/ex-presidents are legible to run for President after intervening years.”

The Current Information Minister, Mohamed Bangura made the following propositions.

- The President should appoint the Chief Justice in consultation with the Judicial and Legal Service Commission subject to the approval of Parliament.

- The Presidential term limit should be two consecutive terms but with the opportunity for an Ex-President to run after intervening terms.

Copies of this contribution were made available to all Sub-Committee members to take the necessary action when reviewing or updating their position on the aforementioned issues.
In line with the call of the Constitutional Review Committee (CRC) for responses to be made on the proposals published by the Committee, the Centre for Accountability and Rule of Law (CARL) sent in additional recommendations on what should be amended in the 1991 Constitution.

CARL thanked the Committee for the good work it has done since the launch of the process in 2013 and particularly for the release of a draft report with a lot of progressive recommendations.

The Executive Director of CARL, Ibrahim Tommy had this to say following their additional inputs. “In light of the recommendations in the draft report and the Committee’s call for additional recommendations, CARL is pleased to submit the following additional recommendations to the CRC for consideration in the final report.

The proposed Chapter on citizenship is particularly important to CARL as it seeks to promote equality as well as ending discrimination in acquiring and conferring citizenship. The proposed chapter on Lands, Natural Resources and the Environment removes, inter alia, discrimination in property acquisition. Furthermore, the proposed section on Local Government and Decentralization builds on the Local Government Act to recommend affirmative action for women’s representation in local government. In the proposed chapter on Media and Communications, the CRC recommends a very independent, perhaps exemplary, Independent Media Commission.

The composition and mode of appointing members provide a strong basis for an independent and accountable commission.

While they support the Committee’s recommendation to separate the Office of Attorney General from the Ministry of Justice - CARL thinks that the Committee should go one step further to insulate the Attorney General from politics. The draft report makes provision for an Attorney General who will sit in cabinet as well.

CARL also commended CRC for the recommendation on a recall clause for Parliamentarians. “This is critically important for ensuring that citizens are able to hold their leaders accountable.” The paper added.

CARL recommends that the death penalty be abolished. They argued that if the death penalty remained in force, Sierra Leone would continue to fail in its obligation to comply with Article 7 of the ICCPR which states that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” They recommended that the Constitution reinforces citizens’ right to life by prohibiting capital punishment.

State of Emergency

CARL commends the Committee for reducing the length of state of emergency at a given time to three months. They also recommend that a State of Emergency Act should be passed by Parliament.

Police Council

CARL notes that the appointment of members of the Police Council by the Executive arm of Government seriously undermines its independence and efforts to ensure a non-partisan civilian oversight of the police. They recommended that the Police Council should not be headed and dominated by political appointees.
Constitutional Court

CARL recommends the establishment of a Constitutional Court which would be a specialized court and may have the original jurisdiction to try constitutional matters. "When constitutional matters are brought to it, the court shall convene as a Court of First Instance, and appeals shall lie with the Court of Appeal or the Supreme Court. They accepted the Committee’s recommendation for the Judicial and Legal Service Commission to appoint the Chief Justice whilst also recommending that the 30% quota must be extended to all spheres of public administration.

A Chapter on National Security in the revised Constitution

The Office of National Security has presented a position paper on the inclusion of a chapter on National Security in the Revised Constitution of Sierra Leone. In a position paper presented to the Committee on the 9th May, 2016 the institution stressed that fundamental changes have taken place in Sierra Leone since the Constitution was written in 1991.

They argued that the definition of security is no longer circumscribed to merely safeguarding territorial integrity nor is it simply coterminous with regime protection. 'Uniformed agencies are no longer the poster children of security. Rather security now encapsulates the whole gamut of economic and socio-political issues germane to our well being and very survival as a nation.'

The Office of National Security further stated that a chapter on national security would render redundant the chapters in the 1991 Constitution establishing the Sierra Leone Police (SLP)(Chapter X, Part ii, Sections 155-158).

The request for a chapter on national security is premised on the following:

Twenty four years down the road, the sector has changed significantly in both outlook and function. The concept of security has taken on a new meaning. The National Security Council (NSC) and its constituent subcommittees were created to address security related matters and security was decentralised to include the Provinces, Districts and Chiefdoms.

Albeit the sector comprises different key stakeholders, yet the constitution which is the parent legislation only captures two. The other institutions are provided for in piecemeal legislation, viz the National Security and Central Intelligence Act, 2002, the National Fire Force Act, 1980; and the Sierra Leone Correctional Services Act, 2014. This arrangement is not only shoddy, it is inconsistent with international best practice.

For the sake of completeness, it is necessary that the revised Constitution treat national security holistically, taking cognisance of all the primary agencies within the sector.

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A Chapter on National Security in the revised Constitution

Among the suggested provisions are the following:

1. (1) National Security is the protection against internal and external threats to Sierra Leone’s territorial integrity and sovereignty, its people, their rights, freedoms, property, peace, stability, prosperity, wellbeing; and other national interests.

2. (1) the national security organs shall be-
   (a) The Office of National Security
   (b) The Republic of Sierra Leone Armed Forces
   (c) The Sierra Leone Police
   (d) The Central Intelligence and Security Agency
   (e) The Sierra Leone Correctional Services
   (f) The National Fire Force

   (2) the primary object of the national security organs and security system is to promote and guarantee national security in accordance with the principles mentioned in Sec 1(1)

3. In performing their functions and exercising their powers, the national security organs and every member of the national security organs shall not- 

   (a) act in a partisan manner
   (b) further any interest of a political party or cause; or
   (c) prejudice a political interest or political cause that is legitimate under this Constitution

4. A person shall not establish a military, paramilitary or similar organization that purports to promote and guarantee national security except as provided for by this Constitution or an Act of Parliament.

5. The national security organs shall be answerable to civilian authority

6. Parliament shall enact legislation to provide for the functions, organization and administration of the national security organs.

These were few of the provisions recommended by the Office of National Security to the Constitutional Review Committee (CRC) for a new chapter on national security.
CGG engages women as immediate response to the draft report of the Constitution

Campaign for Good Governance (CGG) has engaged different women as an immediate response to the draft version of the Constitutional Review Report which was published in February 2016.

CGG Director of Programmes, Marcella Samba Sesay disclosed that when the draft report was released, they noticed that even though there were a lot of proposals, gender issues were not projected as expected. That was why they thought it fit to engage all the women’s groups and the many women’s voices that have been advocating for endangering that constitution so that Sierra Leone can have a constitution that brings out women’s position.

CGG as an organization has been held several engagements with women’s groups in the regions to make input into the constitution but those proposals were not reflected in the Draft Report. “In my opinion, this is a deliberate move to ignore the voices of women and we think we have got to the point where Sierra Leone should consider gender as a development factor.”

Marcella Samba Sesay added, “We got this excuse first from Peter Tucker’s Report and one of the issues that came out of that report was that women were not consulted enough for the position they want, but across the country, there are lots of messages which the women are saying in different ways but with one voice, this is what we want.”

According to the women, the CRC released it report recently but the gender position did not come out clearly. They believed that that was a deliberate move to side-line the views of women and they wanted to be part of the development agenda. “When it comes to political rights, we should have equality and parity, when it comes to employment we should have parity. The Constitution is so silent on a number of issues, when it comes to gender based violence, the state should take the full authority to protect the rights of women.

CGG looked at the issues presented by the CRC and decided to engage women as gender issue was what they wanted to project. Questioned as to what CGG want in the revised Constitution, the Programmes Director said, “the point is CRC should understand that they should have a gender constitution and it’s not about women’s issues but they should ensure that if there is any space for participation, that space should be endangered, if for example, the Speaker of Parliament is a man, then the Deputy should be a woman.

The meeting was attended by women from various constituencies and women’s groups. They pledged to develop a coordinated position paper that they would present to the CRC for further consideration for the final report.
The CRC was launched by the President of Sierra Leone, His Excellency, Dr. Ernest Bai Koroma. The Committee consists of eighty (80) members representing different stakeholders in society, including political parties, democratic institutions, NGOs, the media and key independent bodies.

This booklet has been produced to highlight the major recommendations from the CRC, for further consideration and validation by the people. The final report will be submitted to the government of Sierra Leone in March 2016.

The 1991 Constitution and the 2008 Constitutional Review Commission report included emerging issues and thematic areas which have been deliberated and consulted upon during the last two years of the review process. This summarized report includes new thematic areas that have been proposed as new chapters for consideration in the revised draft constitution.

**Proposed New Chapters**
- Local Government and Decentralisation
- Citizenship
- Land, Natural Resources and the Environment
- Information, Communication and the Media

**Existing Chapters**
- Fundamental Principles of State Policy
- The Recognition and Protection of Human Rights and Freedoms of the Individual
- The Representation of the People
- The Executive
- The Legislature
- The Judiciary

**CRC Plenary endorses Abridged Draft Report**

Almost all the key stakeholders in the CRC were present for this particular plenary, if anything, to push the agenda of their constituents. Series of plenary meetings were held prior to that meeting. The Sub-committees held meetings and developed reports which were presented, discussed, analysed and critique at the Plenaries.

Each subcommittee had an opportunity to make proposals at subcommittee level. Those proposals were scrutinized at the plenary before reaching a consensus.

All plenary meetings were chaired by the Chairman of CRC, Justice Edmond Cowan but the subcommittee meetings were chaired by the chairpersons of the various subcommittees. During the meetings each member is given an opportunity to support or oppose any proposal presented. Decisions were taken by consensus, in the absence of a consensus, issues are usually put to a vote and the majority carried the vote.

However, the views of the minority were always recorded.

CRC members debated the issues thoroughly, sometimes fiercely but resolved them amicably. Issues relating to the death penalty, land tenure system, executive powers of the president, appointment of the Chief Justice, the presidential term limit and various others were discussed.

There were some issues that remain unresolved; therefore they were published to garner further feedback from the public. These include the death penalty, Sec 27(4)(d and e), the land tenure system and others.

Please find below the Executive Summary of the Abridged Draft Report:

The mandate of the CRC is to review the 1991 Constitution of Sierra Leone and the Peter Tucker’s Constitutional Commission Report (PTCR) submitted to the Government in January 2008 as a working document.
The Disability Commission presents position to CRC after the release of the Draft Report

As the statutory body established by Government to seek the interest and ensure the general well-being of persons with disability in Sierra Leone, the National Commission for Persons with Disability (NCPD) deemed it absolutely necessary, after serious consultations with their clientele to submit a position paper to the Sierra Leone Constitutional Review Committee.

Frederick Kamara, the Chairman and Chief Commissioner of NCPD remarked that they want the CRC to carefully and positively consider mainstreaming disability issues in the national constitution. They are proposing the following:

- There should be a specific section that deals with non-discrimination against persons with disability
- There should be disability allowances for all children with disability
- There should be free education for all persons with disability in all public institutions of learning, -free education from elementary to tertiary.
- There should be automatic bursary to all students studying social work and special needs courses that deal with disability.
- There should be inclusive education across the education sector,
- Elements of the Disability Act 2011 should be incorporated into the national constitution as an entrenched clause.
- The use of derogatory words or terms when referring to Persons with Disability or disabling conditions should be completely prohibited.

These were the issues presented to the CRC for consideration and subsequent constitutional amendment.
NCD reminds CRC to include them in the revised Constitution

The National Commission for Democracy (NCD) has appealed to the Constitutional Review Committee (CRC) to include them in the revised Constitution since they were conspicuously absent in the Abridged Draft Report that the Committee published in February 2016.

In a letter of reminder sent on 5th April, 2016, the Chairman of the National Commission for Democracy (NCD) Dr Abubakar Kargbo said they were reminding CRC about the inclusion of NCD in the revised Constitution as an Election Management Body in charge of civic education and voter education in Sierra Leone.

NCD said unlike their counterparts in Elections Management (NEC and PPRC) which are provided for in the national constitution, NCD is not provided for in the 1991 Constitution of Sierra Leone, hence the request for it to be incorporated.

Dr Abubakar Kargbo had this to say, ‘As it is always the case, the electoral cycle or process is grossly incomplete and inadequate without constant and sustained civic and voter education as democratic good governance is strengthened and promoted in Sierra Leone.’

The letter stated that NCD was aware of the widespread acceptance of that proposal in the early stages of the review process and it subsequent inclusion in the general report. ‘Its conspicuous absence from the Abridged Draft Report is a serious cause for concern, thus the reminder to have it included as the significant role of the Commission is given due consideration and prominence as the democratic future of the nation is shaped.’ The response concluded.

CRC was pleased to receive that response from NCD and other institutions since that was the desire of the institution. The Draft Report was published to get feedback from the public on the proposals for constitutional amendment.
A concerned resident of Constituency 003 in the Kailahun District, Sahr Ngayenga has responded to the proposed Draft Report of the Constitutional Review Committee. In an email sent to the Committee on the 26th February, 2016 Mr Ngayenga took the opportunity to congratulate everyone for the tremendous work done so far. Below is an excerpt of his email to the CRC.

“I am fully aware of the pressure on you to achieve this quality of documents especially so in a society where people do not understand what a constitution is actually supposed to be. people want to have everything put in the constitution, not knowing the constitution is only a guide for good governance and should contain only broad topics articulated in such a way that ambiguities are removed to lend itself to one interpretation.

As per your request for further comments I want to make one suggestion based on my experience of the politics of this our country Sierra Leone over the years:

There is the tendency for any government in power to want to continue to be there endlessly. Hence they do everything within their power to stifle the opposition using various covert and overt means and frustrate the efforts of especially the strongest of the opposition groups. The incumbency syndrome of African politics is a cause for concern.

In order to reduce this tendency I would suggest (I don't know whether this is a constitutional business) that, if it is, a clause be included for “the government to provide support for all eligible political parties so that they all have a level playing field”. The support can be in various forms and may include equal access to air time on the SLBC & TV, security presence at rallies, cash to facilitate their campaign, etc. Eligibility criteria can be developed for political parties to benefit from this opportunity. These could include setting a minimum level of performance at elections in the recent past, visibility of the party around the country, their organizational structure not only on paper but physically functional on the ground, etc, etc.

The incumbent as the situation is currently and has been before have an undue advantage of resources over their opponents.”

Sahr Ngayenga said that he would be grateful if his points would be taken into consideration.