EXECUTIVE
CRC Sub-Committee Progress Report
2014
Terms of Reference:

The Executive Sub-committee of the 1991 Sierra Leone Constitution Review Committee was established to review the provisions and related clauses of the 1991 Constitution of Sierra Leone pertaining to the Executive Branch; examine the Report of the Peter Tucker Constitution Review Commission in a similar manner and make recommendations to the Constitution Review Committee.

In carrying out its responsibilities, the Committee may be guided by Sierra Leone constitutional history and such other knowledge gathered from external sources on constitution.

MEMBERS OF THE SUBCOMMITTEE:

1. Dr. Habib Sesay - Chairman
2. Abass Kamara - Secretary
3. Hon I. B. Kargbo
4. Nabieu M. Kamara
5. Augusta James-Teima
6. Victor King
7. Africanus S Sesay
8. Robert Kowa
9. John L Musa

Musa Bittar - LTA
Hassan Kargbo - Admin Assist
Franklyn Davies (Intern)
Introduction

Section one
Stakeholders’ consultative meetings were held in the following ministries, departments and agencies (MDAs) in October 2014:

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- 17th National Commission For Persons With Disabilities ...............................................................5
- 20th Ministry of Public and Political Affairs ....................................................................................6
- 21st Anti-corruption Commission (ACC) ..........................................................................................7
- 21st Minister Of Foreign Affairs And International Cooperation ....................................................8
- 22nd Political Parties Registration Commission (PPRC) .................................................................9
- 23rd Plan Parenthood Association of Sierra Leone (PPASL) .........................................................10

November 2014
- 18th National Electoral Commission (NEC) ....................................................................................11
- 19th Immigration Department .......................................................................................................12

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- 4th December Sierra Leone Roads Authority ................................................................................13
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INTRODUCTION

With determination to enlighten and capture the interest of Stakeholders in ministries, departments and agencies (MDAs) visited, the executive sub-committee designed a unique presentation strategy which after the opening courtesies, the chairman of the sub-committee gave historical background of constitutional development of Sierra Leone from the Granville Sharpe compact that established the “Province of Freedom” for the repatriation and settlement of free Slaves from England, Nova Scotia and those capture on the high seas etc., to the 1991 Constitution that re-introduced multi-party democracy in Sierra Leone.

In addition, the chairman explained the intricacies of twelve constitutions that Sierra Leone has experienced since its founding. Furthermore, he articulated the rationale, and composition of the 1991 Sierra Leone Constitution Review Committee and the mandate announced by His Excellency President Ernest Bai-Koroma during the launching of the Committee in July 2013.

After the preamble, Dr Habib Sesay explained in detail the contents of the themes developed by the executive sub-committee to enable stakeholders to fill the questionnaire and present individual and institution position papers to the constitution review committee. Hon. I.B. Kargbo complemented presentations delivered by the chairman of the sub-committee.
CONSULTATIVE STAKEHOLDERS MEETING AT THE MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION ON 16TH OCTOBER 2014

The Director of European Affairs moderated the opening ceremony of the meeting at the ministry and Hon. I. B. Kargbo introduced Dr. Habib Sesay, Chairman of the Executive Subcommittee. In his remarks, Dr. Sesay examined the objective of the 1991 Sierra Leone Constitution Review Committee, mandate of the executive sub-committee, relationship between the ministry and the executive branch of government and a succinct history of constitutionalism in Sierra Leone. In conclusion, the chairman discussed in detail the contents of the executive branch including types of executive systems, mode of election of the executive, term of office and succession etc., in the 1991 Sierra Leone Supreme Law and Hon. B. Kargbo explained the importance for staff of the ministry to submit their contributions before the end of the review process.

Critical Issues

1. Contribution of the staff at the ministry to the various themes raised in the presentation
2. The need to improve communication.
3. Presidential debates during national elections.
4. Selection of speaker of parliament.
5. The consideration of the views of stakeholders in the review process by CRC.
6. Executive tax payment.
7. The qualification of presidential candidates.
CONSULTATIVE STAKEHOLDERS MEETING AT THE NATIONAL COMMISSION FOR PERSONS WITH DISABILITIES ON 17TH OCTOBER 2014

The meeting was called to order by the acting Executive Secretary of the National Commission for Persons with Disabilities. He introduced the chairman and chief Commissioner of the Commission. In his welcome address, the Chairman stressed the important of the constitution review process and gave a brief background of the objectives of the Commission.

After a statement from the CRC Secretariat by Mr. Cole, Dr. Habib Sesay introduced members of the executive sub-committee, discussed exhaustively the themes about the executive branch of government including type of executive system, qualification, term of office etc., and in conclusion recommended that the Commission submits its feedback to the constitution review committee.

**Critical Issues**

1. Proportional representation system (PR)
2. Safe seat for person with disability in the legislature and executive branch of government
3. Loyalty to political parties.
4. Separation of the Minister of Justice and Attorney General
5. 55% of the first ballot
6. First past the post
7. Simple major
8. Citizenship and discrimination
9. Date for national elections.
CONSULTATIVE STAKEHOLDERS MEETING AT THE MINISTRY OF PUBLIC AND POLITICAL AFFAIRS ON 20TH OCTOBER 2014

The meeting was called to order at 11:45 a.m. Stakeholders present were asked to introduce themselves. The Minister welcomed the executive sub-committee of the 1991 Sierra Leone Constitution Review Committee and stressed the importance of the ministry in the constitution review process. Dr. Habib Sesay made the presentation on behalf of the executive sub-committee. In his remarks, he gave a brief background of the constitution review committee, executive sub-committee and examined contents of the executive branch in the 1991 Fundamental Law. In a similar vein, Hon I. B. Kargbo explained the rationale for establishing the constitution review committee, Lome Peace Accord and the Truth and Reconciliation Commission. Additionally, he emphasised that the constitution review process is people centered and therefore stakeholders should not hesitate to air their views.

Critical Issues

1. Discretionary opportunities for the president
2. Rotation of presidential candidates by political parties
3. Feasibility of regional balance in Sierra Leone
4. Lower age limit
5. Disqualification of youths (18-35 years)
6. Accountability and transparency
7. Cabinet size
8. Impeachment proceedings
9. Citizenship
CONSULTATIVE STAKEHOLDERS MEETING AT THE ANTI-CORRUPTION COMMISSION (ACC) ON 21ST OCTOBER 2014

Due to the unavoidable absence of the Commissioner of Anti-corruption Commission, it was the Deputy Commissioner who welcomed the executive sub-committee to the Commission. He apologized for the absence of the Commissioner who he said might come later and expressed his delight for the presence of the executive sub-committee at the Commission especially when the engagement concerned constitutional matters. The deputy commissioner introduced the Anti-corruption Commission management cadre.

After the introduction of the executive sub-committee members, Dr. Habib Sesay gave a brief background of the constitution review committee and lucidly discussed the various themes which are the bases of the questionnaire. The Deputy Commissioner thanked Dr. Habib Sesay for elucidating with passion the executive branch of government and invited the commissioner to make a statement. The Commissioner apologized for coming late, critically assessed the ‘parliamentary system’ in the presentation and thanked the chairman, executive sub-committee for lifting constitutional issues that presently affect the Sierra Leonean society.

**Critical Issues**

1. Separation of powers, checks and balances
2. Empowerment of state institutions
3. Domination of cabinet by a region
4. Nomination of members of parliament as ministers
5. Appointment of acting president
CONSULTATIVE STAKEHOLDERS MEETING WITH THE MINISTER OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION ON 21ST OCTOBER 2014

In his welcome address, the Minister thanked the executive sub-committee members for their presence in spite of their tight schedule and admonished sub-committee members to critically consider the recommendations of our compatriots. Dr. Habib Sesay analyzed the thematic issues in tandem with the Report of the Peter Constitution Review Commission and the executive presidential system in practice in Africa.

Critical Issues

1. Hybrid system of government in the 1991 constitution
2. Ethnic party politics
3. Checks and balances within the institutions of state
4. Schedule for presidential and parliamentary elections
5. Ministers should come from within Parliament
CONSULTATIVE STAKEHOLDERS MEETING AT THE POLITICAL PARTIES REGISTRATION COMMISSION ON 22ND OCTOBER 2014

The meeting started with individual prayers accompanied by introduction of participants and executive sub-committee members. The Registrar on behalf of the Chairman, Political Parties Registration Commission welcomed the executive sub-committee and encouraged the staff to have open-ended discussion of issues. In his presentation, Dr. Habib Sesay articulated the historical background of constitutional development of Sierra Leone and discussed in detail many thematic issues including types of executive systems, mode of election of the chief executive, succession and national tax policy etc., in the Supreme Law of Sierra Leone.

Critical Issues

1. Attorney General and Minister of Justice
2. Constitutional duties and responsibilities of the vice president
3. Executive tax payment policy
4. Safe parliamentary sits for women
5. Paramount Chiefs in parliament
CONSULTATIVE STAKEHOLDERS MEETING AT PLAN PARENTHOOD ASSOCIATION OF SIERRA LEONE (PPASL) ON 23RD OCTOBER 2014

The Manager welcomed the sub-committee of the 1991 Sierra Leone Constitution Review Committee to the offices of the Plan Parenthood of Sierra Leone and introduced members of his staff. Mr. Cole made a brief statement on behalf of the CRC and asked executive sub-committee members to introduce themselves. Dr. Habib Sesay commenced his presentation with an historical background of constitutionalism in Sierra Leone, constitution review committee and themes including qualifications, executive powers, cabinet size and tax policy etc., of the executive branch of government in the 1991 Sierra Leone Constitution. In conclusion, Mr. Williams thanked Dr. Sesay for his marvelous expose and added that the staff have benefitted immensely from the discussion.

Critical Issues

1. Cabinet size
2. Tax policy for everyone including the president
3. Parliamentary system of Government
4. Residency requirement of aspirants
5. Qualification for ministerial appointment
6. Term of office
CONSULTATIVE STAKEHOLDERS MEETING AT THE NATIONAL ELECTORAL COMMISSION ON 18TH NOVEMBER 2014

The meeting started with individual prayers. A representative from the National Electoral Commission welcomed the executive sub-committee and asked the staff to introduce themselves. In his remarks, Dr. Habib Sesay highlighted the background of the establishment of CRC, identified the materials needed to take the review process to higher level and discussed the types of executive systems, mode of election of the president, qualification, and executive powers etc., as themes stakeholders need to be concerned in order to meaningfully contribute to the review process.

Critical Issues

1. Nomination of presidential candidates by political parties
2. National tax policy
3. Judiciary branch of government
4. Role of paramount chiefs
5. Date for election
6. Date for inauguration of president
7. Accountability, transparency, free and fair elections
CONSULTATIVE STAKEHOLDERS MEETING AT THE IMMIGRATION DEPARTMENT ON 19TH NOVEMBER, 2014

The meeting started with a welcome note by the Chief Immigration Officer. He expressed his delight to receive the executive sub-committee of the CRC and gave an historical background of the Immigration Department. After individual introduction, Dr. Habib Sesay in his opening remarks explained how CRC came about and analyzed the meaning and importance of a fundamental law in a nation. In addition, he discussed the relevant themes of the executive branch of government in a manner that enables stakeholders to fill the questionnaire. In an addendum, Hon. I.B. Kargbo examined the functions of the Immigration Department with emphasis on nationalization and the issuance of certificate of citizenship before contesting national elections.

Critical Issues

1. Independence of Immigration Department
2. Role of the international community in national politics
4. Immigration Department during conflict situations
5. Border Management and Security
6. Citizenship and voting right
CONSULTATIVE STAKEHOLDERS MEETING AT SIERRA LEONE ROAD AUTHORITY ON 4TH DECEMBER 2014

The meeting at the Sierra Leone Roads Authority complex started with individual silent prayers and self-introduction of stakeholders present in a well attended forum. In his opening statement, Dr. Habib Sesay gave the background of the 1991 Sierra Leone Constitution Review Committee and executive sub-committee with their respective mandates. The chairman discussed in detail the themes in the executive branch of government with emphasis on types of executive, mode of election, executive powers, succession and impeachment proceeding. The relative significance of constitution in a nation-state was explained and stakeholders were encouraged to fully participate in the review process.

Critical Issues

1. Pensioners and tax payment
2. Independent candidates in presidential election
3. Executive powers
4. Land question
5. Residency requirement
6. Decentralization
7. Level of education of aspirants for president and parliament

PHOTO 3: FULL PARTICIPANTS ON CONSULTATIVE MEETING AT SLRA

PHOTO 4: CROSS SECTION OF SLRA REPRESENTATIVES
CONSULTATIVE STAKEHOLDERS MEETING WITH ALL POLITICAL PARTIES YOUTHS ASSOCIATION (APPYA) ON 5TH DECEMBER 2014

In the opening remarks, the Vice President of APPYA welcomed every one present in the meeting. Stakeholders introduced themselves before the vice president handed over the business of the day to Dr. Habib Sesay, chairman, executive sub-committee.

The Chairman, encourage members of the association to take politics seriously, examined an historical background of constitutional development of Sierra Leone and the rationale for the review of the 1991 Sierra Leone Supreme Law. Dr. Sesay identified and discussed themes of the executive arm of government and advised participants to participate in the review process by answering all questions in the questionnaire.

**Critical Issues**

1. Empower APPYA to engage its membership across the country
2. Independent candidates must be allowed to contest for presidency
3. Residency requirement
4. National tax policy
5. 55% threshold
6. Date for national elections
7. Parliamentary system

PHOTO 5: MR. ABASS KAMARA, EXECUTIVE SUB-COMMITTEE SECRETARY(RIGHT), DR. HABIB KAMARA,CHAIRMAN(NEXT) AND REPRESENTATIVES(LEFT)

PHOTO 6: CONSULTATIVE MEETING PARTICIPANTS AT APPYA HEAD OFFICE
CONSULTATIVE STAKEHOLDERS MEETING WITH ALL POLITICAL PARTIES WOMENS ASSOCIATION ON 8TH DECEMBER 2014

The meeting began with individual silent prayers and self introduction. The Secretary of All Political Parties Women’s Association welcomed the executive sub-committee and encouraged the members to do justice to the topic under debate. Indeed, it is therefore an opportunity for women in Sierra Leoneans to make good use of. Dr. Habib Sesay, chairman executive sub-committee examined how the constitution review committee and the executive sub-committee came about in 2013 and 2014 respectively. Additionally, the chairman articulated the significant themes of the executive branch of government in the Supreme Law of the land with emphasis on the merits and demerits of each executive system. Hon. I.B. Kargbo complemented the debate with emphasis on the importance of separation of powers, checks and balances in national government.

Critical Issues

1. 55% threshold of first ballot
2. Term of Office
3. Qualification to be appointed minister
4. 30% quota for women
5. Safe single member parliamentary constituencies for women
6. Citizenship
7. Role of Paramount Chiefs

PHOTO 7: APPWA REPRESENTATIVES
PHOTO 8: SUB-COMMITTEE SECRETARY (ABASS KAMARA) AND PARTICIPANTS

The Director of the Agency welcomed members of the executive sub-committee to the headquarters of Sierra Leone Road Transport Authority. She asked stakeholders present to offer individual silent prayers and introduce themselves. Dr. Habib Sesay analyzed the formation and activities of the Constitution Review Committee since its inception and explained in detail the themes of the executive branch of government in the Sierra Leone Fundamental Law. Hon. I.B. Kargbo discussed citizenship and mode of election of presidential candidates by political parties with emphasis on primary elections.

Critical Issues

1. Minister of Justices and attorney general
2. Taxation and the chief executive
3. Level of education of aspirants
4. Lower age limit of aspirants
5. Residency requirement
6. Independent candidates
CONSULTATIVE STAKEHOLDERS MEETING WITH DRIVERS UNION ON 10TH DECEMBER, 2014

The Secretary General of the Drivers Union welcomed members of the executive sub-committee of the 1991 Sierra Leone Constitution Review Committee. Stakeholders present were asked to offer individual silent prayers and also introduce themselves. The Chairman in his presentation gave an historical background with emphasis on the importance of the constitutional review process in Sierra Leone. He highlighted the themes with particular reference to executive systems, succession, impeachment, mode of election of the president and presidential powers in the executive branch of 1991 Sierra Leone Constitution.

**Critical Issues**

1. Indigenous language as a requirement to contest national elections
2. Krio is not an indigenous language
3. Relevance of citizenship in national election
4. Date for national election
5. Office of the Attorney General and Minister of Justice
6. Paramount chiefs in national election
7. 30% quota for women
8. Cabinet size
9. 55% threshold in national elections
CONSULTATIVE STAKEHOLDERS MEETING AT THE OFFICE OF NATIONAL SECURITY ON 11TH DECEMBER 2014

A senior member of the management cadre in the Office of National Security welcomed members of the executive sub-committee. He asked stakeholders to offer individual silent prayers and introduce themselves and, expressed his delight to receive members of the executive sub-committee. Dr. Habib Sesay, explained exhaustively the historical background of constitutionalism in Sierra Leone, discussed important thematic areas including hybrid, executive presidential, executive parliamentary and totalitarian systems; citizenship and term of office etc., of the 1991 Sierra Leone Constitution as a way forward to enable stakeholders to participate meaningfully in the review process and fill the questionnaire.

Hon. I.B. Kargbo outlined salient reasons some clauses in the supreme law are undemocratic for example, party primaries for the election of party nominees as presidential candidates and the appointment of members of parliament as ministers.

**Critical Issues**

1. President and tax payment
2. Date for election
3. President should not be a member of parliament
4. Parliamentary system
5. Paramount chiefs in parliament
CONSULTATIVE STAKEHOLDERS MEETING AT THE SIERRA LEONE COMMERCIAL MOTOR BIKE RIDERS ASSOCIATION ON 15TH DECEMBER 2014

The Secretary to the Board of Trustees of the Sierra Leone Commercial Motor Bike Riders Association called the meeting to order and asked stakeholders to offer individual silent prayers. In his opening remarks, Dr. Habib Sesay placed emphasis on the importance of the review process of the 1991 Sierra Leone Constitution and gave an overview of the historical background of constitutionalism in Sierra Leone. Dr. Sesay outlined the significant themes for discussion such as types of executive systems, mode of election of the chief executive, impeachment proceeding of the president in public and executive powers etc. Stakeholders were admonished to fill the questionnaire with diligence and commitment.

**Critical Issues**

1. Office of the Attorney General and Minister of Justice
2. President and income tax payment
3. Cabinet diversity
4. Regional balance in national elections
5. Lower age limit
6. Indigenous language
7. Residential requirement

PHOTO 16: SIERRA LEONE COMMERCIAL MOTOR BIKE ASSOCIATION REPRESENTATIVES

PHOTO 17: MEMBERS OF EXECUTIVE SUB-COMMITTEE AND SLCMBA REPRESENTATIVES
EXECUTIVE SUB-COMMITTEE ENGAGEMENT WITH ALL POLITICAL PARTIES ASSOCIATION (APPA) 17TH DECEMBER 2014

The meeting began with individual silent prayers. Among other things, Mr. Charles Margai, who represents the Peoples Movement for Democratic Change in APPA, asked stakeholders to introduce themselves.

The chairman of the executive sub-committee, Dr. Habib Sesay, spoke lengthily on the historical background of the establishment of the 1991 Sierra Leone Constitution Review Committee and how the sub-committee came into being. He articulated the meaning and importance of constitutions and, lavishly articulated the themes including types of executive systems, mode of election of president, qualification etc., of the executive branch of government in the supreme law so as stakeholders can meaningfully fill the questionnaire.

When the chairman asked stakeholders for their observations, comments and suggestions, the consensus was as representatives of various political parties, there is need to explain whatever transpired at the meeting to their membership. Therefore, they had no comment but promised to meet the sub-committee at a later date.
INTRODUCTION

The Facilitator, Dr Habib Sesay discussed the three branches of government namely, legislature, executive, and the judiciary in the executive presidential and parliamentary systems. He articulated the functions of the executive branch of government in a manner that provoked a number of questions about which executive system: presidential or parliamentary systems of government are more applicable in Sierra Leone.

In his contribution to the debate, Hon I.B. Kargbo contended that the presidential system is more applicable in Sierra Leone because the constitution makes provision for the president to choose his cabinet ministers outside parliament. Dr Habib Sesay rejected the submission in the strongest terms and contended that the parliamentary system is more appropriate for Sierra Leone because it enhances efficiency, transparency and accountability and above all, ensures that parliamentarians including government ministers listen to their constituents, work in the interest of the electorate, parliamentary constituency and the nation. In the parliamentary system, minister of government are appointed from within parliament.

CHALLENGES

1. If the parliamentary system were adopted, how would the ceremonial president is elected?
2. The constitutional duties and responsibilities of the ceremonial president.
3. Will paramount chiefs continue to be elected to parliament by the Electoral College?
4. What will be the fate of the 30% quota for women?
5. Safe seats for women and physically challenged.