EXECUTIVE SUMMARY

This Committee is established to review the provisions of the 1991 Constitution of Sierra Leone pertaining to the Legislative Branch; examine the Report of the Peter Tucker Review Commission of 2008 in a similar manner and make recommendations to the CRC.

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

The Legislative Sub-Committee, as one of its mandate engaged senior and junior staff members of the Political Party Registration Commission on the 1991 Constitution of Sierra Leone. Staff members of this Institution recommended that the new Constitution should make adequate provision to make the PPRC independent from Political influence.

Similar sentiment were also expressed by staff members of the Sierra Leone State Lottery that the Constitution should provide a mechanism to protect their lottery activities from private lottery companies operating in Sierra Leone.

In addition, at the Office of the Vice President senior civil servant were of the opinion that the Vice President has less powers as provided by the 1991 Constitution, therefore some section must be provided to further empowered role of the Vice president.

At the ministry of Defense senior and junior military officers admonish the sub-committee to provide a Constitution that will stand the time of history in the Democratization process of the country.

In conclusion, the committee also visited other institutions such as the Sierra Leone Parliament, the Ministry of Foreign Affairs and the Office of the National Security were several recommendations were made to the Legislative sub-committee.

MEMBERS OF THE SUBCOMMITTEE:

1. Hon Justice Tolla – Thompson - Chairman
2. Mr. Gibril Thullah
3. Sheik Gibril Koroma
4. Mr. Mohamed I Jalloh
5. Hon. Justice Salimatu Koroma
6. Ahamed S. Kanu
7. Suliaman Banja-Tejan - Sie
8. Haja Alimatu Abdullah

Gershon L. Macarthy (LTA)
Julius Brima Cole – Admin Asst.
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LEGISLATIVE COMMITTEE STAKEHOLDERS CONSULTATIVE MEETING

INTRODUCTION
The Legislative sub-committee of the Constitutional Review Committee (CRC) held consultative meetings with stakeholders on the review of the 1991 Sierra Leone constitution with special reference to chapters four and six captioned The Representation of the People and Legislature respectively.

Members of the sub-committee discussed relevant issues that need amendment in the constitution.

POLITICAL PARTY REGISTRATION COMMISSION (PPRC) 8TH SEPTEMBER, 2014

This was the first area to be visited by the Legislative sub-committee on the 8th of September, 2014. Committee members were able to have fruitful discussions with all the employees of the commission. A major concern of the workers at the PPRC is that the constitution has not adequately offered them authority to regulate the activity of Political Parties in the country. Therefore, it is necessary to adjust the name from PPRC to PPRRC
Members of this department expressed dismay over the silence of the constitution on their role and how to exert authority on the ministries, departments, and agencies (MDAs) in the country. They promised to present a position paper to the review committee. They said the National Public Procurement Authority is an important department of government in the country, so the review committee should look into the Procurement Act and make necessary recommendations that will ensure that all MDAs and government institutions are fully regulated by NPPA in order to minimize corruption in ministries, departments, and agencies. Members of the review committee expressed appreciation to staff members for their bold approach in contributing in the review process.

The discussions were mainly on security issues. Opinions centered on the improvement of some provision of the constitution that will enhance good governance and democracy for the development of the country. Special concern should be devoted to security matters that will in future prevent the cross-border spread of diseases, smuggling, and other criminal activities. The chairman of the legislative committee emphasized the importance of security in the socio-economic development of the country. Haja Alimatu Abdullah, a member of the committee, in her contribution said democracy can only be maintained where there is an independent and reliable agency to maintain the internal and external security of the state. On behalf of the ONS, the acting director Mr. Francis Keilie expressed his appreciation to members of the legislative committee for considering the ONS as an integral part of democracy and good governance, as the review process is a process for the participation of the people. He said all submission forms would be completed individually and a general position paper will be presented.
The chairman of the Legislative sub-committee of the C R C, Justice M.E.T Toll Tolla Thompson informed officials of the Vice President’s office of the provision and lacuna in the 1991 constitution that affect its smooth operation. In response, most of the officials appealed that the CRC should closely look at sections 54 and 55 of the constitution and make some amendments, however, they will submit a recommendation to the CRC.
Both senior and middle level officials of the ministry expressed concern about the inclusion of section 10 which is the foreign policy objectives of the country under chapter two of the constitution that is not justifiable. That section 10 of the constitution merely outlines foreign policy objectives of the country without any constitutional relevance of the emerging actors within the international community like terrorism, diseases, multinational cooperation etc.
MINISTRY OF DEFENCE 10th SEPTEMBER, 2014.

The secretary of the Legislative sub-committee drew the attention of senior members of the Armed Forces at MOD to chapter eleven of the constitution and its relevance to them as members of the country’s military wing. They expressed satisfaction on the appointments in the Armed Forces and the function of the defense council. They expressed hope that the committee will perform their responsibilities.

NATIONAL ELECTRAL COMMISSION 11TH SEPTEMBER 2014

Members of the electoral commission referred to section 33 of the constitution and urged the review members to further empower the electoral commission or make provisions in the constitution for an electoral court to speedily address electoral malpractices.
MINISTRY OF INTERNAL AFFAIRS 11TH SEPTEMBER, 2014

Senior officials of the ministry were particularly concerned about the activities of office of national security (ONS). They appealed to the review committee that the ministry should be empowered to fully supervise the police, prison, fire force, office of the national security and private security institutions. They said the immigration department and other security institutions should be put under the ministry of Internal affairs to avoid duplication of functions. They promised to present a position paper.

SIERRA LEONE PARLIAMENT 12th SEPTEMBER, 2014.

The sub-committee met with only the ordinary workers of parliament. Most of them are pessimistic about the experienced of some members of parliament who they say are not familiar with parliamentary procedures. The workers were also concerned about the ways and manner in which members of parliament violate the procedures in parliamentary debate. They said the new constitution must take in to consideration how parliamentarians should pass legislation in parliament.
WESTERN URBAN TRIBAL LEADERS

All tribal leaders in Freetown converged at the PPRC office for consultation with the Legislative sub-committee. The chairman for the legislative committee informed members about the role of local leaders in the review process. They commended the chairman of the legislative committee, Justice Thompson as the only person to recognize their significance in the review process. The secretary of the legislative committee Mr. Gibril Thullah said the Decentralization Act and the Local Government Act are two major component for tribal leaders in the review process, therefore local leaders must use the opportunity to empower their institution for good governance. Chief Martin Gibao secretary general for tribal leaders in Freetown expressed appreciation to the legislative committee. They promise to mobilize all their people at grass root to effectively participate in the review process. The tribal heads in Freetown hope that the constitutional review will establish a measure on system of justice for Sierra Leoneans and give power to the people.

SIERRA LEONE STATE LOTTERY 14TH SEPTEMBER 2014

The managing Director and a cross section of staff were engaged in a fruitful constitutional discussion with members of the Legislative committee. The staff members admonished the committee to design relevant laws that would protect their agency. The reason is that currently there are other foreign based lottery institutions that compete with the local based lotteries. This situation deprives the Government of Sierra Leone from deriving more revenue as a result of unhealthy competition. Therefore, home based institutions must be protected.
EXPERT WORKSHOP ON LEGISLATIVE SUB-COMMITTEE 12TH & 19TH
NOVEMBER 2014

The facilitator presented a comparative discussion citing various constitutions of South Africa, Uganda, Ghana, and Kenya and at the same time examined the functions of the Legislative arm of government, and how it can effectively work in a Democratic society.

The subcommittee extensively discussed the legislative arm of government and raised the following questions:

- Why do we make laws?
- How effective are these laws and how should they be implemented?
- What are the functions of the three arms of government?
- Why it is necessary to separate the three arms of government?

The facilitator explained that laws are enacted in the constitution, and the constitution serves as the social contract document which governs every citizen. The three arms of government perform different functions separately from each other hence the notion of separation of powers. Additional concerns raised from the discussions include:

- Why parliamentarians cannot be held accountable for corrupt practices?
- Why did the president establish so many ministries?
- Why do we have 21 Ministries, 56 Department and Agencies?

Explaining further, the facilitator explained that the constitution in Sierra Leone gives the president the prerequisite to establish so many ministries as he wishes, adding there is no section in the current constitution that says parliamentarians should be held accountable for
financial malpractices. He said the only way to punish them if found wanton is to vote them out in subsequent elections.

The following challenges were highlighted:

- That those with dual citizenship should not be allowed to exercise their franchise, but should also pay tax
- The function of the Legislative should spell out the dichotomy between the Parliamentarians, Councilors and Paramount Chiefs.