

OAU DRIVE, TOWER HILL, FREETOWN

PARLIAMENTARY DEBATES

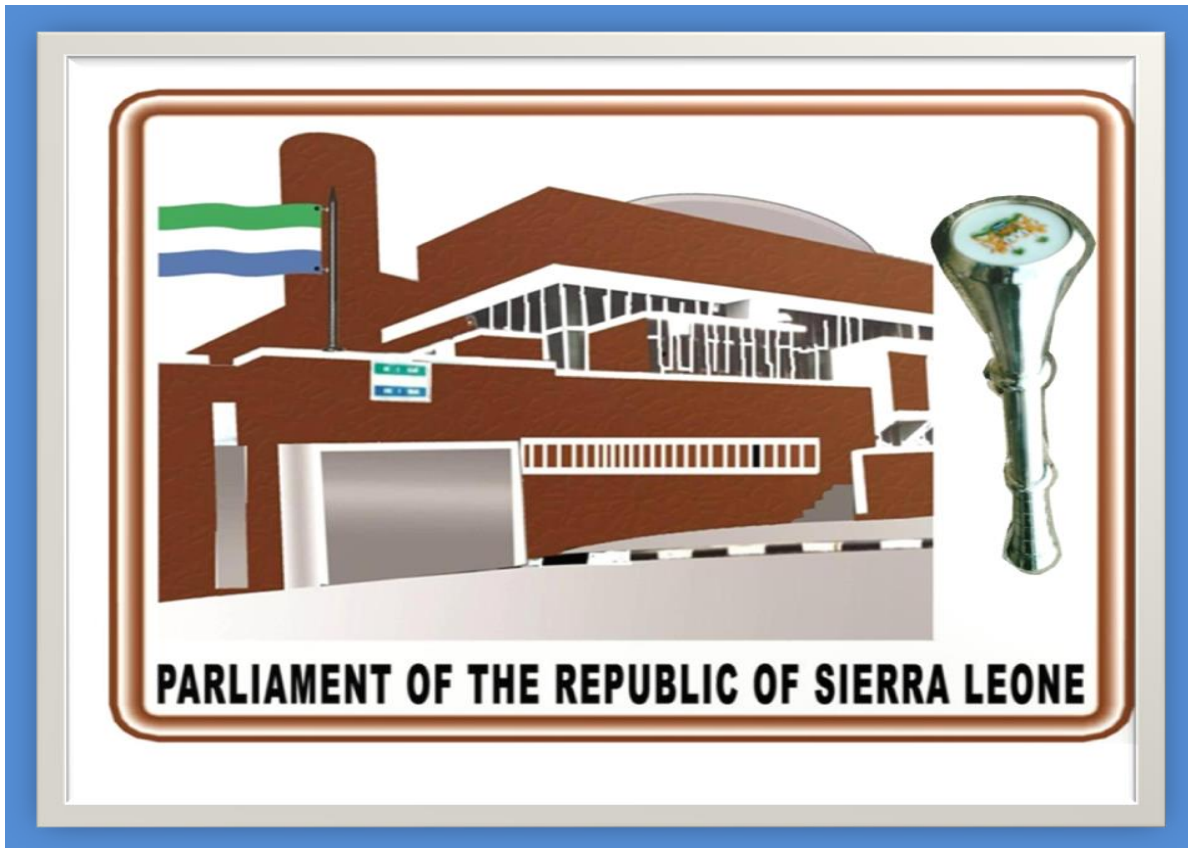
[HANSARD]

OFFICIAL HANSARD REPORT

FIFTH SESSION - FIRST MEETING

THURSDAY, 30TH MARCH, 2017

SESSION – 2016/2017



OAU DRIVE, TOWER HILL, FREETOWN

PARLIAMEN TARY DEBATES

[HANSARD]

OFFICIAL HANSARD REPORT

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First Meeting of the Fifth Session of the Fourth Parliament
of the Second Republic of Sierra Leone.

Proceedings of the Sitting of the House
Held Thursday, 30th March, 2017.

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STATUTORY INSTRUMENT NO. 12 OF 2016

IV. [A] PRIVATE MEMBER MOTION

PROPOSER: HON. SUAHILO M. KOROMA

SECONDER: HON. DICKSON ROGERS

BE IT RESOLVED THAT:

THE STATUTORY INSTRUMENTS, AS LISTED BELOW, WHICH WERE LAID ON THE TABLE OF THIS HONOURABLE HOUSE ON THURSDAY, 16TH MARCH, 2017 AT 10:00 A.M. BY THE ATTORNEY-GENERAL AND MINISTER OF JUSTICE BE DEBATED CONSISTENT WITH STANDING ORDERS 25[2].

[I] CONSTITUTIONAL INSTRUMENT NO. 43 OF 2017, DATED 15TH MARCH, 2017;

[I] STATUTORY INSTRUMENT NO. 44 OF 2017, DATED 15TH MARCH, 2017;

[III] STATUTORY INSTRUMENT NO. 45 OF 2017, DATED 15TH MARCH, 2017; AND

[IV] STATUTORY INSTRUMENT NO. 46 OF 2017, DATED 15TH MARCH, 2017

[B] PRIVATE MEMBER MOTION

PROPOSER: HON. FRANCIS KONOWA

SECONDER: HON. BENNEH BANGURA

BE IT RESOLVED THAT:

THE STATUTORY INSTRUMENTS, AS LISTED BELOW, WHICH WERE LAID ON THE TABLE OF THIS HONOURABLE HOUSE ON TUESDAY, 14TH MARCH, 2017 AT 10:00A.M. BY THE MINISTER OF POLITICAL AND PUBLIC AFFAIRS BE DEBATED, CONSISTENT WITH STANDING ORDER 25[2]

[I] STATUTORY INSTRUMENT NO. 8 OF 2017, DATED 23RD FEBRUARY, 2017

[II] STATUTORY INSTRUMENT NO. 9 OF 2017, DATED 23RD FEBRUARY, 2017



THE CHAMBER OF PARLIAMENT OF THE REPUBLIC OF SIERRA LEONE

Official Hansard Report of the Proceedings of the House

**FIFTH SESSION – FIRST MEETING
OF THE FOURTH PARLIAMENT
OF THE SECOND REPUBLIC**

Thursday, 30th March, 2017.

I. PRAYERS

[The Table Clerk, Mrs Fatmata Bintu Weston, Read the Prayers].

[The House met at 11:03 a.m. in Parliament Building, Tower Hill, Freetown].

[The Speaker, Hon. Sheku Badara Basiru Dumbuya, in the Chair].

The House was called to Order

Suspension of S. O. 5[2]

II. CORRECTION OF VOTES AND PROCEEDINGS FOR THE PARLIAMENTARY SITTING HELD ON WEDNESDAY, 29TH MARCH, 2017

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Honourable Members, we go through the record of Votes and Proceedings for the parliamentary sitting, held on Wednesday, 29th March, 2017. As usual, we go page by page. Page 1? Page 2? Page 3? Page 4? Page 5? Page 6? Page 7? There being no correction or amendment, could somebody move for the adoption of the record of Votes and Proceedings for the parliamentary sitting, held on Wednesday, 29th March, 2017 as presented.

HON. DR SHO-SAWYER: I so move, Mr Speaker.

THE SPEAKER: Any seconder?

HON. KEMOKOH CONTEH: I so second, Mr Speaker

[Question Proposed, Put and Agreed to]

[Record of Votes and proceedings for the parliamentary sitting, held on Wednesday, 29th March, 2017 has been adopted as been adopted as presented].

THE SPEAKER: Honourable Members, before we proceed to the next item, I want to formally announce Honourable Leonard Solomon Fofanah and Honourable Hassan B. Sheriff to take their rightful seats. To respond to what Honourable Bashiru Silikie has said, I am a Muslim, but I have so much faith in the Bible. The Christians say God moves in a mysterious ways and wonders to perform. What has happened and we say in Latin "maradeli dicto." That is to say, incidentally the two Leaders come from Kenema District; i.e., Majority and Minority Leaders.

III. PAPERS LAID

THE ATTORNEY-GENERAL AND MINISTER OF JUSTICE

MR ARROW BOCKARIE *[Deputy Attorney-General and Minister of Justice]:* Mr Speaker, Honourable Members, I beg to lay on the Table of this Honourable the

Statutory Instrument No. 12 of 2016, Council of Legal Education Act No. 1, 1989, the Council of Legal Education, Admission of Students Regulations, 2016.

THE SPEAKER: Mr Minister, have you laid the Paper on the Table?

MR ARROW BOCKARIE: Yes, Mr Speaker.

HON. UMAR PARAN TARAWALLY: Mr Speaker, Honourable Members, I rise on S.O. 25[2] to give a notice of Motion that the Statutory Instrument No. 12 of 2016 which is being laid on the Table of Parliament by the Deputy Attorney-General and Minister of Justice be debated.

THE SPEAKER: Mr Clerk, please take note and make sure you advise him what to do. The notice has been given and I accept it.

HON. LEONARD S. FOFANAH: Mr Speaker, Honourable Members, I want to crave the indulgence of this Honourable House to amend the Order Paper to read, item 'A' on the Order Paper should now be item 'B' and item 'B' becomes item 'A.'

THE SPEAKER: Honourable Members, the suggestion by the Majority Leader is that the first Motion becomes 'A' and the second motion becomes 'B.' I hope there is no objection to that amendment.

[A] PRIVATE MEMBER'S MOTIONS

PROPOSER: HON. SUAHILO M. KOROMA

SECONDER: HON. DICKSON ROGERS

BE IT RESOLVED THAT:

THE STATUTORY INSTRUMENTS AS LISTED BELOW WHICH WERE LAID ON THE TABLE OF THIS HONOURABLE HOUSE ON THURSDAY 16TH MARCH, 2017 AT 10:00 A.M. BY THE ATTORNEY-GENERAL AND MINISTER OF JUSTICE BE DEBATED CONSISTENT WITH STANDING ORDER [S.O. 25[2]].

CONSTITUTIONAL INSTRUMENT NO. 43 OF 2017 DATED 15TH MARCH, 2017;

STATUTORY INSTRUMENT NO. 44 OF 2017 DATED 15TH MARCH, 2017;

STATUTORY INSTRUMENT NO. 45 OF 2017 DATED 15TH MARCH, 2017; AND

STATUTORY INSTRUMENT NO. 46 OF 2017 DATED 15TH MARCH, 2017.

IV. [B] PRIVATE MEMBER'S MOTIONS

PROPOSER: HON. FRANCIS KONOWA

SECONDER: HON. BENNEH BANGURA

BE IT RESOLVED THAT:

THE STATUTORY INSTRUMENTS AS LISTED BELOW WHICH WERE LAID ON THE TABLE OF THIS HONOURABLE HOUSE ON THURSDAY, 14TH MARCH, 2017 AT 10:00 A.M. BY THE ATTORNEY-GENERAL AND MINISTER OF JUSTICE BE DEBATED CONSISTENT WITH STANDING ORDER S.O. 25[2].

STATUTORY INSTRUMENT NO. 8 OF 2017, DATED 23RD FEBRUARY, 2017

STATUTORY INSTRUMENT NO. 9 OF 2017, DATED 23RD FEBRUARY, 2017

HON. SUAHILO M. KOROMA: Thank you, Mr Speaker. Mr Speaker, Honourable Members, I rise to contribute on this Motion I moved in the House on the 16th March, 2017 on the Statutory Instruments. I did so not because I have any intention to water down the work of the National Electoral Commission [NEC].

Mr Speaker, Honourable Members, I am not oblivious of the fact that the NEC has done tremendously well in the entire process, but we have a situation wherein we cannot circumvent the provisions in the 1991 Constitution of Sierra Leone for the sake of exigency. Mr Speaker, if you look at the 1991 Constitution... - *[Interruption]*.

THE SPEAKER: Sorry, Honourable Member. You are just quoting the Constitution. It means that anything we do in this House has to be done correctly and strictly consistent with the 1991 Constitution of this country. When you stood up to speak, you did say that you wanted to contribute because you proposed the motion. That means you are the mover and you should say so.

HON. SUAHILO M. KOROMA: Thank you, Mr Speaker. Mr Speaker, Honourable Members, I move that the following statutory instruments that were laid on the Table of this Honourable House on the 16th March, 2017 be debated this morning. As I was

saying, I am not here to thwart the work of the NEC, but to set the records straight. As a Parliament, we cannot circumvent the provisions in the 1991 Constitution because of exigency of time. With the leave of Mr Speaker, I want to refer you to Section 38[7] of the 1991 Constitution of Sierra Leone. It says: **“For the purposes of this section, the number of inhabitants of Sierra Leone shall be ascertained by reference to the latest census of the population of Sierra Leone, held in pursuance to an Act of Parliament, or if no census has been so held by reference to any available information, which in the opinion of the Electoral Commission best indicates the number of those inhabitants.”** Also, I want to refer the House to Section 38[5]. It reads: **“Where the boundaries of any constituency are altered in accordance with the provisions of this section that alteration shall come into effect upon the next dissolution of Parliament after the alteration has been approved by Parliament.”**

Mr Speaker, Honourable Members, I want to state here that the registration exercise that the NEC is currently undertaking is already based on the recent census population figures, which they use to do the boundaries delimitation and the population quota. In other words, the current exercise was never approved by this House. This is the reason I moved the motion. The Statutory Instruments that have been laid on the Table of this House should have been approved by this House before the NEC could have started the voter registration exercise on the new boundaries delimitations for constituencies and wards. This is the basis I moved this motion.

Mr Speaker, Honourable Members, I want to allow other Members to contribute and I may be coming from time to time in the debate. I thank you very much, Mr Speaker.

THE SPEAKER: Honourable Suahilo M. Koroma, you have moved the motion. Any seconder to that motion?

HON. DICKSON M. ROGERS: Thank you, Mr Speaker. Mr Speaker, Honourable Members, I stand here to second the motion moved by Honourable Suahilo M. Koroma and to build on his premise. I want to state here that during the mapping stage in my constituency, some villages were not mapped. And as I speak, there are some villages

that have been left out during this voter registration exercise. For example, there is a village in my constituency called Mesibu, which is very close to another village. During the census period, because the registrars were residing in the next village, when they started the registration process in Mesibu, they did not change the system. They used the old system and now people are refusing to register because they do not want to register under the name of another village. Therefore, one of the reasons I am supporting this motion is that in as much as my colleague has said that the NEC did a fantastic job, I want to commend them. However, I want to inform this House that there were areas left out. I can even call three to four villages that have not been mapped and if your village has been left out, it means your names will not be included in the system. Therefore, the citizens of those villages will not register. If that is the case, Mr Speaker, I want to believe that there are flaws in the boundaries delimitations. Thank you.

[Question Proposed]

HON. ANSUMANA J. KAIKAI: I thank you, Mr Speaker. Mr Speaker, Honourable Members, this is a very simple and straight forward motion. I mean this motion is not only in the interest of the Members of Parliament on both sides of the isles, but it is also in the interest of this country. For instance, the home town of Honourable Ibrahim R. Bundu, Gbinti to be specific was placed under another chiefdom.

Mr Speaker, Honourable Members, we are looking at a machinery that operates every five years in this country. Examples have been set and the way forward is being established long time ago in 2002, 2007 and 2012. The question is why not now? The premise by which the system operates is relevantly embedded, as required by section 74 [1] of the 1991 Constitution. They are also embedded in Sections 38[1], 38[3] and 38[5] of the 1991 Constitution of Sierra Leone.

Mr Speaker, Honourable Members, even those of you who are Lawyers, like the Deputy Speaker of this House, we are aware of the fact that the Constitution of this country is above all Statutory Instruments, Acts of Parliament, etc. Therefore, we must endeavour to comply with the provisions in the 1991 Constitution. It may have been a procedural

mistake by the Commission. We are only asking to correct that mistake before more damages are made. We are also aware of the fact that this issue should come before us through any Constitutional or Statutory Instrument. The very premise by which the Commission is currently exercising the registration process is also flawed. On behalf of our constituents, I am asking this House to take proper action on this issue, so that this country would see a clean, fair and honest electoral process right from the beginning. I thank you.

HON. CLAUDE D. M. KAMANDA: Thank you, Mr Speaker, Honourable Members. Mr Speaker, Honourable Members, I stand to make my contribution on the Private Member's motion that is before us. I would start with Standing Orders 18[8], in tandem with Section 170 [7c], **"Any orders, rules or regulations made by any person or authority pursuant a power conferred in that behalf by this Constitution or any other law, shall come into force at expiration of a period of twenty-one days, or being so laid unless Parliament, before the expiration of the said period of twenty-one days annuls any such orders, rules or regulations by the votes of not less than two thirds of the Members of Parliament."**

Mr Speaker, Honourable Members, this takes me to Statutory Instrument No. 5, the Provincial Act. This document was laid on the Table of this House and after 21 days, it becomes law. The Statutory Instrument before us, Statutory Instrument No. 43 and 46 respectively. Statutory Instrument No. 43 talks about the delimitation of Constituencies and Statutory Instrument 46 talks about Ward boundaries. If that document has become law, new districts have been created; i.e., Koinadugu 2 and Karina District.

HON. FODAY RADO YORKIE: Mr Speaker, we have spent quite a number of years in this Parliament and we should be able to discern the difference between a law, which is an Act of Parliament, and the Instruments that are before us. These are yet to become laws and I want to ask my colleagues not to refer them as laws.

HON. CHERNOR R. M. BAH: Mr Speaker, with all due respect to the Honourable Member, I want to remind my colleague that not all laws are Acts of Parliament. There are Statutory Instruments which are laws in themselves. Therefore, his first statement

is not correct; and secondly, the document the Chief Whip of this House is referring to has passed the required twenty days. He is making reference to it and it is in place for him to make reference to that document.

HON. FODAY RADO YORKIE: Mr Speaker, I think we need to understand ourselves. Procedurally, when a Statutory Instrument is laid on the Table of this House and if no notice of a motion raised within twenty-one days, automatically it becomes law. However, if a notice of a motion is given before the twenty-one days period, the Instrument in question has to be debated. Until and unless that is done, it is not an Act before the twenty-one days period. It is not going to be automatic because those notices have been given and that is the essence of this debate. Therefore, should not be making references to those Instruments at all.

HON. CHERNOR R. M. BAH: Mr Speaker, the Honourable Member is still missing the point. When you give notice of a motion, you have to do as was done by Honourable Umar Paran Tarawally. The notice must be converted into a motion and that motion should be debated. That has not happened and what we are discussing today is different from what he is talking about.

THE SPEAKER: If I should make some clarifications and with respect to Honourable Foday Rado Yokie, where a Statutory Instrument has been laid before Parliament, Statutory or Constitutional Instrument, the mere giving of a notice does not annul or invalidate it. It has to be followed by a motion which must be debated.

HON. JUSUFU B. MANSARAY: Mr Speaker, giving a notice is a way of telling us that a motion is about to be moved. Assuming that there is a danger ahead and somebody puts signpost to caution people that if you go this way, automatically you will find yourselves into trouble. The mover has moved the motion and it is only now that it is coming into play. Therefore, we must give it the attention it deserves. I want to caution here that when you talk about boundary delimitation, you are talking about our constituencies and wards. The question I want to ask is where are the officials of the NEC? Are they here to listen to us?

HON. ANSUMANA J. KAIKAI: I am calling on the Majority Chief Whip to be specific and I would like him to repeat himself because I want to understand what he is saying.

THE SPEAKER: Honourable Claude D. M. Kamanda, please repeat what you have said. I notice some ambiguity in what you are saying and try to make yourself very clear.

HON. CLAUDE D. M. KAMANDA: Thank you, Mr Speaker. Mr Speaker, Honourable Members, for better debate, we need to make references. We are talking about delimitation; and if there was a document before this House and after twenty-one days, according to Section 170 [7c], it means that the Provincial Act Statutory Instrument No. 5 has become law. Therefore, Statutory Instruments No. 43 and No. 46, which are talking about constituencies and boundaries are not making references to those new districts that have become law for the Republic of Sierra Leone. This is the point I am trying to make. We have three districts in the Eastern region, five districts in the Northern region, four districts in the Southern region, etc. Nothing has been stated for Karina District and Koinadugu District in the proposal that is before this House.

Secondly, Mr Speaker, Honourable Members, I am not going against this, I am making additional points for it to be thrown out of this House because it is yet to be completed. Again, every district in this country has at least one Council.

HON. DIXON M. ROGERS: Thank you, Mr Speaker. The Chief Whip was making reference to Section 170 [7c]. I want to refer the House to Section 171[15] of the 1991 Constitution of this country. With the leave of Mr Speaker, it reads: **"This Constitution shall be the supreme law of Sierra Leone and any other law found to be inconsistent with any provision of this Constitution shall, to the extent of the inconsistency, be void and of no effect."** The point I am making here is that the mover of this motion made reference to Section 38. He stated that as long as we have not debated the newly constituted constituencies, they were not supposed to do the voter registration on them. That means it is inconsistent with 170[7c]. Therefore, we need to debate it.

THE SPEAKER: Honourable Dixon M. Rogers, if you understand the mover of the motion, he was saying that the boundaries delimitation must be approved by Parliament before it takes effect. That is the motion.

HON. CLAUDE D. M. KAMANDA: Thank you, Mr Speaker, Honourable Members, I am sure we are all on the same page. We are just digging out more points at least to help the NEC officials so that when they go out there, they will do the correct thing. I was saying that every district in this country has at least a Council; therefore, if we have got a law to establish new districts in the country, it means that they must have at least a Local Council. It should be reflected in this document when taken for correction.

Mr Speaker, Honourable Members, the third issue in Statutory Instrument No. 5 that has become law is the fact that it established a new Province or region and every region in this country has a City Council or a municipality. Again, this should also be reflected in this document. I want to call on the NEC to look into that issue. We are going to send this document back to them. Thank you very much.

HON. UMAR PARAN TARAWALLY: Mr Speaker, Honourable Members, I have listened carefully to colleagues and their arguments. The arguments are quite in place because the NEC has failed to include many things to ensure an effective electioneering process. This is very clear in these documents. I just want to observe that in every situation, there is a status quo. In other words, in every aspect of life, there is an existing order of the day. Where a situation gives rise to a person or a system moving forward and there are obstacles on the way, the better option is to revert to the status quo. Therefore, before the current boundary delimitation that is now being debated, there had been a clear existing order of the day. There had been 112 Constituencies before moving for 132 Constituencies. I am saying this because a date has been slated for elections on the 7th March, 2018. We have a scenario in which there is an existing order of the day and now a new proposal to move from that existing order to another situation. However, there are obstacles on the way and there is one destination we are moving towards; i.e., to have elections on the 7th March, 2018. If the proposal to get new districts, provinces, constituencies and Wards is posing great difficulty, I think we

should go back to what has been happening. For the sake of probity, let us try to ensure that the 112 Constituencies that are presently in existence are used for these elections because we are facing problems. That is my submission, Mr Speaker.

HON. CHERNOR R. M. BAH: Thank you very much, Mr Speaker. Mr Speaker, Honourable Members, I want to thank you for giving me this opportunity. I am happy that I am talking at a point when the media is in full attendance. I hope what I am about to say would be captured. A lot has been said, but I am also very happy with the last submission. I want to tie that with the contribution made by Honourable Dickson-Rogers from Pujehun District, when he said that the Constitution is supreme and it must be respected *[Applause]*.

On that note, Mr Speaker, Honourable Members, I want to refer this House, with your permission, to Section 38[4]. It reads: **“That the Electoral Commission shall review the division of Sierra Leone into Constituencies at intervals of not less than 5 and not more than 7 years, and may alter the Constituencies in accordance with the Provisions of this Section to such extent as it may consider desirable in the light of the Review.”** So, the review is a matter of must.

THE SPEAKER: Honourable Umar Paran Tarawally, do you take the point?

HON. UMAR PARAN TARAWALLY: Mr Speaker, I want you to look at Sub-section 5.

THE SPEAKER: Okay, pleased read it for the listening public.

HON. UMAR PARAN TARAWALLY: Mr Speaker, it reads: **“Where the boundaries of any Constituency are altered in accordance with the provisions of this section, that alteration shall come into effect upon the next dissolution of Parliament after the alteration has been approved by Parliament.”** Mr Speaker, my colleague is just helping me and it is true that it will come into effect after the next dissolution of Parliament. There will be no election before this Parliament is dissolved *[Applause]*. Mr Speaker, this is what that provision is all about.

THE SPEAKER: Yes, Dickson Rogers

HON. DICKSON M. ROGERS: Mr Speaker, I want the Deputy Speaker to look at Section 38[5].

HON. CHERNOR R. M. BAH: Mr Speaker, the Honourable Member needs to refer to the House to specific provision in the Standing Orders.

HON. DICKSON M. ROGERS: Mr Speaker, Section 38[5] is saying that Parliament must approve any boundary alteration even before the next voter registration. We are now doing the voter registration exercise on this new boundary alteration, which has not been approved by Parliament. That is the point we are making, Mr Speaker.

HON. CHERNOR R. M. BAH: Mr Speaker, I will crave your indulgence to encourage my colleagues to listen. If they are listening, they will not be making all these statements. When we come to this House, we are here to learn. I am also learning in the process. If we do not listen, we will not learn from each other. I have just referred this House to 38[4] because of the statement made by my learned colleague from Bo. In any case, I want to bring to notice of this House that even before the commencement of the registration exercise, some of us raised some issues. The leadership of this House was very proactive in engaging not just the NEC officials, but the Ministry of Internal Affairs, the Ministry of Local Government and the Office of the Attorney-General and Minister of Justice because of these challenges. The Minority and Deputy Minority Leaders were out of country, but the Minority Whip was in that meeting and I raised some of these issues in that meeting.

Mr Speaker, Honourable Members, the Instruments were published on the 15th March, 2017. Instrument Nos. 43, 44, 45, 46 were all published on the 15th March, 2017 and laid before this House on the 16th March, 2017.

THE SPEAKER: That is very correct.

HON. CHERNOR R. M. BAH: Mr Speaker, that was an official meeting convened by the Clerk of this House so that the Leadership of Parliament could meet with the relevant stakeholders. I raised most of these issues we are discussing now in that meeting. I told them that they must comply with the laws of this country. Reviewing

Constituencies in this country is a constitutional requirement and we must comply with that provision. I do not know why they went ahead to conduct the voter registration exercise without parliamentary approval.

THE SPEAKER: Honourable Umar Paran Tarawally, you talked about going back to the old status quo. That is secondary for our purposes. The point at issue now is that has the NEC done the right thing? That is the reason we are here. The issue of going back to the status quo is not tenable any more. Do not talk about it at this time. Let us ensure that the right thing is done and I think that is the issue we are here. That is what the motion is seeking to address, so that the right thing is done.

HON. CHERNOR R. M. BAH: Mr Speaker, the Honourable Umar Paran Tarawally is my younger brother and he knows that very well. I always engage him in intellectual discussions. We do not just shout all over the place and he knows that very well. Mr Speaker, the use of the statement, 'go back to the status quo' is not practical. I am saying this because even if we are going to maintain the 112 Constituencies, considering the census and population increase in the country, the NEC will still have to go back and do boundary delimitation of these constituencies.

Mr Speaker, Honourable Members are we here to learn and listen? This is simple logic.

[Suspension of S.O 5[2], being 12:00 noon]

HON. CHERNOR R. M. BAH: Mr Speaker, Honourable Members, I wish I could have talked in Fula, so that they would have understood better. The word 'status quo' is not feasible at all, Mr Speaker. I will continue to say that fifty times and more. That is to say, if we keep and continue with the 112 Constituencies in the country, the NEC officials will still have to use the current population figures to create Constituencies. The elections that will take place on the 7th March, 2018 will be conducted after the dissolution of Parliament based on those computations.

Mr Speaker, Honourable Members, may I also state here that this is a Parliament and we are not opposing each other. All of us are fighting the same course, but we are using different words. We are all learning from each other. I want to make something

very clear in the Well and it is something I have said here and outside this Chamber that we will not allow this Parliament to be muzzled by the Executive. That is to say, we will not allow people to force us into doing the wrong thing *[Applause]*. We will not allow that to happen at all. Whether there has been a pronouncement or the NEC has consulted or not, they must do so within the ambits of the law. In other words, whether the announcement is coming from the supreme Executive or the NEC, the fact of the matter is that we were voted into this Parliament, so that we advance the interests and aspirations of our electorate *[Applause]*. We are under obligation to do the right thing.

Mr Speaker, Honourable Members, this motion is appropriate and I want to support the mover and the seconder of this motion. We want those who are in charge of this document to go back and ensure that they do what is right. According to Honourable Dickson Rogers, they do not flout the Constitution which the lawyers will refer to as the Grundnorm of the State. Thank you very much.

HON. MOIWAI MOMOH: Thank you very much, Mr Speaker. Mr Speaker, Honourable Members, I have listened to previous speakers very carefully. As the Deputy Speaker said, we are all moving towards a hard-core of fact, but using different methodology. What is important here is to use the right methodology to achieve what is of consensus value to this country; which is the electioneering process. We should not be seen undermining the authority of this Parliament. That is what we are doing here. We believe that Parliament is supreme in terms of law-making. The Chief Electoral Commissioner is being appointed by the President, approved by this Parliament. Therefore, Parliament is supreme. The Instruments should have been brought before Parliament for approval before the start of the entire process. If that has been done, we would not have been here to make these comments. What the NEC has done cannot be called a mistake, but an error. You will agree with me that there is a vast difference between a mistake and an error. In the case of a mistake, you can later identify that mistake and correct it immediately. This is different in this case because they have gone ahead to do what they are doing without identifying the mistake. That is an error and the margin of that error is great. You cannot manage it at all, Mr Speaker.

Mr Speaker, Honourable Members, Mr Charles Mambu has also been complaining on radios and televisions about this anomaly. He told the public that his village had also been left out, as the Honourable Dickson Rogers was saying. About five villages were left out, which means that they were not captured at all. If this error is not taken care of, thousands of eligible voters will be left out. How can you correct an error when the process is ongoing? I believe that as long as you want to establish the authority of the Parliament, we should also inform the NEC that they should come before Parliament before going to the field. How can we correct that error when the process is ongoing? The error margin is too great and it is more than **5%**. You cannot manage that situation at all, Mr Speaker. We need to reverse that process or we allow error to continue.

With those few words, Mr Speaker, Honourable Members, we should use the right methodology to do what is right for this nation.

THE SPEAKER: Honourable Moiwai Momoh, if I understand you well, you are effectively saying that if the error is maintained, it will eventually invalidate a very important process.

HON. THOMAS S. SEGEPOH: Mr Speaker, Honourable Members, there is no gainsaying that the NEC has committed very serious errors. The mere fact that both sides of the Isles have come to that conclusion is enough to tell this nation that the NEC cannot give any reasonable reasons for such errors. Again, the NEC cannot present any reasonable defence as far as these errors are concerned. I have this strange feeling that these errors were deliberately committed because I cannot imagine that an institution of that nature could commit such serious errors. This is something that has direct bearing on the rights of the citizenry of this nation.

Mr Speaker, Honourable Members, this House has the mandate to instruct the NEC to do the right thing. We can tell them to do what is proper as far as the laws of this land are concerned. At this stage, Mr Speaker, I wish to state, in clear terms for the attention of the NEC, that this nation and this Parliament, [I hope I am speaking for all of us], cannot afford an extension of the date slated for elections. It is left with this

House to instruct the NEC to go and do the right thing within a limited timeframe. We can tell them to bend backwards to produce the right results, because we have all the powers to punish those officials.

At this juncture, Mr Speaker, Honourable Members, I am still convinced that these errors were deliberate, but they should be aware of the fact that we cannot afford an extension of the elections date.

HON. PC BAI KRURR KANAGBARO SANKA III: Thank you, Mr Speaker. I have listened keenly to Honourable Members of Parliament from both sides of this House. In my own personal opinion, what I see and what I have heard is purely technical. The motion itself has not even been debated as a motion because the mover of that has not told us what he actually wanted. Based on that, I think we have to follow the status quo which was used in 1995/96 elections. The Constitution of Sierra Leone does not make provision for a 'Proportional Representation,' because we wanted peace, stability and tranquillity in this nation, the United Nations and all other political parties agreed for a PR System.

Mr Speaker, Honourable Members, in 2002, we did not also follow the provision of the 1991 Constitution, but an amendment was brought to this Parliament and the District Block System was introduced. It was agreed that the fourteen political districts should have eight seats in Parliament. That was the District Block System and that System gave us the 112 seats. I was part of that process in this House.

In 2004, Mr Speaker, Honourable Members, a census was conducted. The results of that census were brought to this Parliament and the boundary delimitations for 112 constituencies were ratified in this House. At that time, bitter arguments ensued for Pujehun and Moyamba Districts. The argument was that the District Block System made provision for eight seats for every district, but after the conduct of the census, some of them had three seats and Pujehun District had five seats. We did it here and I do not think whether it is something we should be arguing about. On the current boundary delimitations and from what I have heard from colleagues, I think both sides are correct.

Mr Speaker, Honourable Members, on the technical aspect, we have to acknowledge the fact that errors have been made, but the Chief Whip referred us to Section 170. However, this Parliament has a responsibility as far these errors are concerned. These instruments were laid on the Table, but as soon as they were laid on the 16th March, 2017, the registration exercise started on the 20th March, 2017. I raised it up in this Well as illegal for us to have received the Instruments on the 16th March, 2017 and registration exercise will start on the 20th March, 2017. I raised that issue here, but if there is a motion today to debate that issue, I think we have to do it. The last speaker has said that the election date should not be changed. According to the Chief Whip, he said that the Instruments were legal because the 21 days had elapsed. If that is the issue, we now have a motion to be debated. The Instruments were laid here on the 16th <March, 2017 and the registration exercise started on the 20th March, 2017

HON. CLAUDE D. M. KAMANDA: Mr Speaker, point of order. I was referring to the Statutory Instrument No. 5, which has to do with the Provincial Act. I was not referring to this current document. Twenty-one days period required for the document relating to the Provincial Act has elapsed and has become law.

HON. PC BAI KURR KANAGBARO SANKA III: Noted, Honourable Member. However, the motion was brought to Parliament before the twenty-one days period. If there has not been a motion to the effect, all these Instruments would have become laws after twenty-one days. I think we have to debate this motion.

HON. DR BERNADETTE LAHAI [*Minority Leader of the House*]: Thank you, Mr Speaker. Mr Speaker, Honourable Members, I have listened very carefully to the motion being debated. When you have stayed in an Institution for quite some time, it should not be for nothing. Your tenure in any institution should give you more advantage to those who are coming into that institution. Why am I saying this? We have been in this Parliament for quite some time and this is not the first time we are doing constituency delimitation after a census has been conducted. For instance, in 2004, we did a census and we used the results of that census for the 2007 parliamentary/presidential Elections. We also used it in 2008 for Local Government elections and we used the

projection of the 2004 population to do the elections in 2012. What were the processes that the NEC used? What were the constitutional provisions guiding not only the NEC, but also this Parliament and all other Institutions that have to do with the elections? I think sometimes it is good for us to go down memory lane because it informs us whether what we are doing currently is within the ambits of the law.

Mr Speaker, Honourable Members, after the census in 2004, the document relating to boundary delimitation was brought to this Parliament in 2006 as a draft document. We spent weeks with the NEC in Committee Room 1. The NEC came with all their repertoire and experts from the Statistics Sierra Leone, both national and international experts to take us through the delimitation processes. Of course I was a consultant and I wrote the Charter relating to the Agricultural Sector of the then census report. We sat as experts to look at every bit of information. I gave the NEC the hell of their life as to what we were doing. What did we do? There was national consultation on the delimitation process and Members of Parliament were asked to go to their Constituencies or their districts to take part in the constituency proposals for the boundary delimitation. We did that and we came back to this Parliament in Committee Room 1 to reassess those proposals.

Mr Speaker, Honourable Members, I can remember very vividly that for Kenema District, we had eleven Constituencies. We also had Wards for Councillors and it was decided that for every city, you should not have less than 12 Councillors. As a leader of the Kenema caucus then, we had extra Wards. However, because Kenema had better schools and facilities, we decided that the extra four or five Wards should not go to Kenema city. What I did was to call a meeting of all Members of Parliament in Kenema District and I told them that Kenema city had five extra Wards, but the rest of the Constituencies were outside of Kenema city with mobility problem. I said some of these constituencies were not homogenous because the various socio-cultural settings. For instance, if you take the Kenema District, we have the Wonde non-Wonde Ward or Chiefdom; and if you put the two together, then there will be cultural clashes. So, I sat with the Members of Parliament to discuss the way forward. I asked them to provide

justification each Constituency should have an extra Ward because we would not put every ward in Kenema City. We met and we came with proposals and that proposal was discussed with the NEC. Other Members of Parliament also came up with proposals and at the end of the day, we came to a common agreement. Those extra Wards for Kenema city were distributed to Members of Parliament who had genuine argument as to why we should give them additional Ward.

Mr Speaker, Honourable Members, the next we did was to come back and we had extensive discussions with the NEC in Committee Room 1. The agreed document was revised and amended accordingly in this Parliament. We never started any registration process we are doing now before the final debate and approval of both the Wards and Constituencies delimitation. It was only after we came to common agreement that the NEC was given the mandate again to update the election timetable. We asked for the updated timetable because we wanted to know when and how they wanted to do the voter registrations. Again, they also asked for our inputs because the centres were located in all Constituencies. We knew the right spot where a centre could be located *[Applause]*. We knew where to locate those centres in order to reduce the constraints our constituents would be facing in coming to those centres, especially the aged, the sick, the pregnant women, lactating mothers and persons with disabilities. For example, I had to suggest that they move certain centers in my constituency to certain areas because there were more population to be captured in that area than where those centres were initially located. We discussed that with our people before the registration exercise started. The NEC also assured us that they had secured all the funds necessary to undertake the registration exercise.

Mr Speaker, Honourable Members, the question is, are we assured? The answer is no and I will tell you why. I went to my village to monitor the registration exercise. When I got there, there were three officials from the NEC being deployed in my village; one was capturing your bio-data on the log sheet, passed it to the machine operator for your finger print and your photo, and then to another official who was also responsible to input those data in a separate logbook. After that, you would be given two separate

pieces of information; i.e., your receipt and temporal photo, so that when it is time for you to collect your voter ID card, you must produce those two documents. In the evening, the NEC officials came to me and told me that the NEC sent them to do the work without giving them a penny. According to them, they were only given **Le 50,000** each as transport.

Mr Speaker, Honourable Members, what is now happening is that the chiefs in our villages are now harassing the indigenes in the villages to contribute S.O. 2 'one butter cup of rice per woman and the men are asked to contribute **Le500** per person. They are doing that to provide food for them on a daily basis. How would you expect somebody to go and work without considering what they should be eating? We know that at the end of the day they are going to be paid. It was thoughtful of them to provide transport for them, but they should have also visited them in their stations and make **50%** payments and when they shall have completed and submitted their documents, they receive the balance **50%**. The NEC has not given them money at all, Mr Speaker.

Mr Speaker, Honourable Members, the second thing I observed has to do with the questionnaire. I am a researcher and in research, when you are dealing with questionnaire, you do pre-testing. What is pre-testing? Pre-testing is when you go out with a sample instrument and you administer it to a sample of the population that you would eventually administer to them. This will enable you estimate the time it would take for you to administer a question because you would have set your minimum baseline time to see whether you are above and below that baseline. You will also want to know whether the questions are being understood the way they are intended to be understood. By so doing, you will be in a better position to know whether there are ambiguities or not. The interviewer asks the question and the interviewee responds to the question. The question is, are the questions being understood the same way and answered in like manner as is expected by the interviewer? If the answer is no, you note it down. You look also at the terminologies being used. Are the terminologies or concept understood? If all these issues are noted during the pre-testing stage, you go

back to your office for you to look at the field situation. Maybe you expected that to take thirty minutes to administer a questionnaire, but after the pre-testing, you realised that it took an hour. That is a serious issue in terms of timing; and it also means that if you have budgeted for people to be in the field for thirty days based on thirty minutes per person, in one hour, you will register two people. This will enable you to come again and review your questions. Sometimes you ask yourself whether the questions are relevant or whether you will achieve your aim with those questions. If the answer is no, then you will try to review the questionnaire and prune questions that you think are not going to add value to your research. How can you ask an eighty year old woman, whose mother has died many years ago and an illiterate one for that matter, to tell you her mother's age? In our cultural setting, there are certain questions we do not ask our parents because they are very sensitive. They asked an eighty year old woman whether her delivery was a normal birth or abnormal. How would you know? How old was your mother when she gave birth to you? How would you know, Mr Speaker?

Mr Speaker, Honourable Members, when I was asked the age of my mother, I took my own age because my age was registered. My mother did not go to school, so plus or minus I put my mother's age at nineteen. I may be wrong, but I was forced to say so. If my mother was somebody that was growing fast and mature, then she would have been a bit matured than she would look and she would have been initiated into the Bondo secret society before she was given to my father. I have never asked my mother her age because she does not know. I was able to guess because I am educated. I put my age at nineteen years and I came up with seventy-five years for my mother's age. These are some of the reasons for delays in those registration centres. I do not know whether the questionnaire was pre-tested before the exercise. If it was pre-tested, where did that happen? When they came back to the office? What was the result of the pre-test? Did it change?

Mr Speaker, Honourable Members, the NEC officials are giving out daily registration figures. Today, which is the 8th day of the registration exercise, we have captured one million and seven thousand. We are expected to capture three million five hundred

thousand voters. The machines have their challenges because most of them are not properly functioning. Sometimes they have to wait for the sun to rise before they are connected to the solar. Areas where the solar is not working, they are using generators and these machines are not meant for generators. The question is who provides the fuels? I am asking this question because the NEC has not made provision for the fuels. Therefore, those are the issues; but again, when did we ask the NEC to go back and review this process? It is not just the responsibility of the NEC, but the responsibility of every Member of Parliament because we have to provide the information to the NEC.

Mr Speaker, Honourable Members, the Honourable Member from Pujehun, Honourable Dickson Rogers said he could come up with four to six villages that have not been captured. I am sure if all of us go back to our Constituencies and work with our Councillors, Constituency Executives and our Chiefdom Executives to find which villages that have not been captured, I am sure we will discover many villages. We cannot put the cart before the horse and I want to suggest here that the NEC must come back to this House with all their experts, including all statisticians, mapping officers, cartographers, etc. and we give ourselves time to go and make sure that we go to every village or we survey every village to ensure that they are all represented. To me, I think the first motion will not even allow us to go further after here because the same import of the first motion is the same as the import of the second motion. It is the same import because that was the same concern. A motion was moved to discourage the NEC from discontinuing the voter registration exercise because the instrument that gives them mandate to carry out that exercise has not been debated and approved by this Parliament. The question is what population data are we going to use? Are we going to use the 2004 population data and the extrapolation or are we going to use the 2015 census? If it is the 2015 census we are going to use, then they cannot proceed with that exercise. They should not have proceeded if that is what they are using. If they know that they did not have the wherewithal, especially the financial and the logistical resources, they should not have continued.

Therefore, Mr Speaker, Honourable Members, these are the issues and I want to believe that both sides of the House are speaking on the same issue. This is my opinion and I am sure this is the opinion of the rest of the Members of Parliament that this process should be revisited. We should not implement legality within illegality. The voter registration exercise is a legal process and it is an integral process but it has to be done within the ambit of law. I thank you, Mr Speaker.

HON. LEONARD S. FOFANAH: Mr Speaker, Honourable Members, we have indeed heard a lot of speakers and we are in this together, as Honourable Members. I want to report to this House that one major village in my own constituency called Mano was taken from my constituency and placed in another constituency and the people were requested to travel over fifteen miles to go and register in another constituency. Parliament has come into this matter in good faith to be able to correct those issues that Honourable Members have highlighted.

More importantly, Mr Speaker, Honourable Members, there is a principle that says 'Pacta sunt servanda.' The principle of Pacta sunt servanda means agreements are meant to be kept. The law has to be respected and because the NEC has not done the right thing they were supposed to have done within the ambits of the law, Parliament is questioning the process. Indeed, Parliament has a right to question NEC because they have not kept within their mandate.

Mr Speaker, Honourable Members, I want to however state here that the NEC is an independent body and even though we approved the Chairman and the other Commissioners of the NEC here, they are not answerable to us; and because they are not answerable to us, we have not kept them under scrutiny until now. I have also heard the motion moved by the Minority Leader of this House and I want to support that motion that the NEC be summoned again to come and explain to us thoroughly how they had proceeded in doing the things they are doing and where the law has not been respected. We would request them to go and respect the provisions of the 1991 Constitution of this country.

Mr Speaker, Honourable Members, this House has agreed that they cannot sit idly by and see the law being flouted, otherwise you would lose the essence of why we are here. We cannot look upon the NEC to do the things they are doing if they are not within the confines of the law. This is the more reason I am supporting the motion moved by the Minority Leader of this House, so that the NEC can come here and explain to us the things they have done and how they have flouted the 1991 Constitution of this country. If at all they adhered to the laws of this country, they have not done it properly.

Having said that, Mr Speaker, Honourable Members, I want to thank all those who have spoken on this motion. I thank you very much, Mr Speaker.

HON. CHERNOR R. M. BAH: Mr Speaker, Honourable Members, considering the fact that I have just heard the proposition from the Minority Leader, I also want to encourage this House, if eventually we are going to get the NEC to come and explain to us, I want to suggest that we suspend the conclusion of this debate until we engage the NEC. I thank you very much.

THE SPEAKER: In that case, let me hear the mover of the motion first.

HON. SUAHILO M. KOROMA: Thank you very much, Mr Speaker. Mr Speaker, Honourable Members, I want to thank you very much for this debate on the motion. I believe this motion is already carried and there is no need to go into any voting. Having heard from both sides of the isles, it is evidently clear that this motion is a non-controversial and I want to believe it is being carried.

Mr Speaker, Honourable Members, I represent the opposition party in this House, but I want to believe that we would not afford to support the NEC in doing the wrong thing. Again, we will not allow a situation wherein the NEC will come here after six months to tell us that they have done what they were asked to do in error. This was why this motion was brought up, so that we could find possible ways of solving the problem.

Mr Speaker, Honourable Members, I am also reminding the NEC that time is of essence. We are debating this motion today because we want to ensure that the right thing is

quickly done, so that this cannot alter our election calendar. In my earlier intervention, I said that the NEC has done a very good job in carrying out the process, but I think we cannot circumvent the 1991 Constitution of this country because of time.

Mr Speaker, Honourable Members, without much ado, be it resolved that 'the Statutory Instruments, as listed below, which were laid on the Table of this Honourable House on Thursday, 16th March, 2017 at 10:00a.m by the Attorney-General and Minister of Justice be annulled and reviewed consistent with the Standing Order S.O 25[2] and Section 38[5] of the 1991 Constitution, Act No. 6 of Sierra Leone. Thank you very much, Mr Speaker.

THE SPEAKER: Honourable Members, the Minority Leader has come up with a proposition supported by the Majority Leader. If that is the case, it would not be proper to conclude this debate until these people come and explain to this House. That is the complication and if we conclude it now, then what is the need of inviting the NEC.

HON. DR BERNADETTE LAHAI: Mr Speaker, I did say we should invite the NEC in Committee Room 1 for us to revisit the whole process, so that all these anomalies Members of Parliament have highlighted are addressed. That will give us more time to go to our constituencies and ask our people or local authorities whether a village or villages have been left out in this exercise. We will also ask about the status of the new Wards, Constituencies, Chiefdoms, Province and Districts. That was the proposition I made, it is going to be part of the process. It is not that that is the only process because there are going to be series of processes. What I have recommended is just one process because it has a series of processes. For us to be within the confines of the law, it has to be brought back here at some point in time after the correction has been done, so that we will adopt and approve the constituency delimitation.

HON. ANSUMANA J. KAIKAI: Interestingly, Mr Speaker, Honourable Members, even by way of a Statutory Instrument, it is not the right way to go about it. The Speaker of this House, myself and a lot of other Members of Parliament who were here before the last Parliament know that all of these activities must come here not by way of a Constitutional Instrument or a Statutory Instrument, but it should be laid here. It has to

be debated and ratified by Parliament before implementation. That is what the Constitution says. It does not say by way of a Statutory Instrument but ratification by Parliament. There is a difference between a Statutory Instrument and a simple parliamentary ratification. A simple parliamentary ratification is by way of a simple majority or by a consensus of the House; whereas a Statutory Instrument, if laid on this Table, for it to be overturned, it will require a two-third majority of the elected Members of Parliament. Therefore, that is why the NEC must be required to comply with Section 38 of the 1991 Constitution of this country. Bringing this matter by way of a Statutory Instrument is not the right way to do it. We want to help the NEC to go and do that which is correct because that is our sacred duty.

THE SPEAKER: Honourable Members, the Honourable Ansumana J. Kaikai has made a very important point. I wanted to underscore that point that in the case of either a Constitutional or Statutory Instrument, annulment can only be effected by a two-thirds majority of Members present and that can only be determined by a vote count and not by collection of voices. Again, what has further complicated the issue here is the suggestion made by the Minority Leader, supported by the Majority Leader by asking the NEC to come and explain or clarify certain issues. That being the case, I am of the view that we cannot conclude the debate today.

HON. ANSUMANA J. KAIKAI: I agree with you, Mr Speaker. The NEC should be put on notice that in view of what had been said here today, they should tread cautiously because they may be reminded of the fact that they are pursuing an inconclusive venture.

THE SPEAKER: Honourable Ansumana J. Kaikai, you said you wanted to agree with what I have said. I do not want to rule on it yet because once I rule, it is final and therefore incontestable. I see it is the view of some that we either put the matter to a vote and in that case, I wonder whether the Office of the Clerk is ready for a vote count. Mr Acting Clerk, is your Office ready for a vote count?

HON. PC BAI KURR KANAGBARO SANKA III: Mr Speaker, I think everybody understands the analyses that have been provided. I will advise my colleagues not to

go into a vote. I will go along with what has been said by the Minority and the Majority Leaders.

THE SPEAKER: And even the Deputy Minority Leader.

HON P.C BAI KURR KANAGBARO SANKA III: Exactly, Mr Speaker. We have to invite the NEC. As Chairman of the Ministry of Internal Affairs, I even complained to the Deputy Speaker that they are not consulting us. Some of us are au fiat with some of these issues. I knew the problem and I raised it up in this Well on the 16th March, 2016 when those Instruments were brought here. I asked whether it was legal for them to start the registration process on the 20th March, 2017 when they have just laid them on the Table of the House on the 16th March, 2017.

Therefore, Mr Speaker, Honourable Members, I want to appeal to all Members of Parliament for them to organise a meeting as quickly as possible for the NEC to come and explain to us. Nobody wants the election date that has already been announced to be changed.

THE SPEAKER: Honourable Members, based on the strength of some of the suggestions that had been made and having heard from the Clerk that they will not be ready for a vote count, perhaps they never knew that we would arrive at this point because otherwise everything should have been here, I do so rule that the debate be deferred and that the NEC be invited to appear in Parliament on Monday, 3rd of April, 2017 at 11:00 a.m. to engage Members of Parliament on the issues that have been raised. Mercifully, an Electoral Commissioner is here to take the decision of the House to his colleagues.

ADJOURNMENT

[The House rose at 12:55 and was adjourned to Tuesday, 4th April, 2017 at 10:00 a.m.]