

BILL

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THE INDEPENDENT COMMISSION FOR PEACE AND NATIONAL COHESION ACT, 2020

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MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to establish the Independent Commission for Peace and National Cohesion; to confer on the Commission, the power to take measures to prevent, manage and resolve conflicts; and to build, promote and maintain sustainable peace in Sierra Leone and to provide for other related matters.

Part I - provides for the interpretation of certain terms and expressions in the Bill.

Part II - deals with the establishment of the Independent Commission for Peace and National Cohesion.

Part III - provides for the functions and powers of Commission.

Part IV - provides for the administrative functions of the secretariat of the Commission.

Part V - provides for the funding of the Commission.

Part VI - confers the power to make Regulations for the purpose of giving effect to the provisions of this Act.

MADE this day of , 2020.

PROFESSOR DAVID FRANCIS
Chief Minister

FREETOWN
SIERRALEONE

No.



2020

Sierra Leone

A BILL ENTITLED

The Independent Commission for Peace and National Cohesion, 2020. Short title.

Being an Act to provide for the establishment of the Independent Commission for Peace and National Cohesion; to confer on the Commission, the power to take measures to prevent, manage and resolve conflicts; to build, promote and maintain sustainable peace in Sierra Leone; and to provide for other related matters.

[

] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I - PRELIMINARY

Interpretation.

1. In this Act, unless the context otherwise requires -

"Alternative Dispute Resolution" means the usually less costly and more expeditious procedure for settling disputes without litigation, such as arbitration, mediation, or negotiation referred to in paragraph (n) of subsection (2) of section 12;

"annual report" means the annual report of the Commission referred to in section 22;

"Board" means the Board of the Commission;

"Chairman" means the Chairman of the Board appointed under subsection (3) of section 3;

"Commission" means the Independent Commission for Peace and National Cohesion established under section 2;

"Executive-Secretary" means the Executive-Secretary of the Commission appointed under subsection (1) of section 15;

"Government" means the Government of Sierra Leone;

"Member" means a Member of the Board appointed under subsection (3) of section 3;

"Minister" means the Minister appointed by the President for the purpose of the administration of this Act;

"Truth and Reconciliation Commission" means the Truth and Reconciliation Commission created as part of the Lomé Peace Accord, to provide a degree of accountability for human rights abuses committed during the 11 year civil war conflict in Sierra Leone.

PART II - ESTABLISHMENT OF THE INDEPENDENT COMMISSION FOR PEACE AND NATIONAL COHESION

2. (1) There is hereby established a body to be known as the Independent Commission for Peace and National Cohesion. Establishment of Commission.

(2) The Commission shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Commission shall have a common seal, the use of which shall be authenticated by the signature of -

- (a) the Chairman or other member of the Board authorised either generally or specially by the Board in that behalf; and
- (b) the Executive-Secretary or some other person authorised by the Board in that behalf.

3. (1) The governing body of the Commission shall be a Board in which shall be vested, subject to this Act, the supervision of the Commission. Board of Commission.

(2) The Board shall consist of a Chairman and the following members -

- (a) Member representing the Eastern Region;
- (b) Member representing the Western Region;
- (c) Member representing the Northern Region;
- (d) Member representing the Southern Region; and
- (e) Member representing the North-Western Region.

(3) The Chairman and the other members of the Board shall, on the advice of the Minister be appointed by the President from among persons with proven knowledge in peacebuilding and conflict management.

(4) A person shall not be qualified for appointment as a Member of the Board unless he -

- (a) is a citizen of Sierra Leone;
- (b) is a person of high moral character and proven integrity;
- (c) has distinguished himself in his field of work and as a person who commands the respect of the public; and
- (d) has proven record of respect for and interest in peace and conflict, transitional justice and human rights.

(5) A person shall not be qualified for appointment as a Member of the Board if he is -

- (a) a Member of Parliament;
- (b) a member of a local authority; or
- (c) a member of, or actively involved in the affairs of, a political party.

Tenure of members.

4. (1) The Chairman shall hold office for a period of 3 years and shall be eligible for re-appointment for a further term of 3 years only.

(2) A person shall cease to be a Member of the Board on any of the following grounds -

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;

(e) if he fails to attend 3 consecutive meetings of the Board without reasonable cause;

(f) if he resigns his office by written notice to the Minister.

5. (1) The Board shall meet for the dispatch of its business at least once in every 2 months and at such other times as the Chairman may determine. Meetings of Board.

(2) The Chairman shall preside at every meeting of the Board and in his absence, the members present shall appoint a member from among their number to preside.

(3) A minimum of 3 members of the Board may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Board for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act in his behalf shall summon a special meeting within 3 days of his receipt of the notice referred to in subsection (3).

(5) The quorum at any meeting of the Board shall be 5.

(6) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(7) A proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

(8) The Board may co-opt a person to attend and participate in its deliberations on any matter but such person shall not vote on any issue for the decision by the Board.

(9) The Board shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(10) Subject to this Act, the Board shall regulate its own meeting procedure.

Disclosure of Interest.

6. (1) A member of the Board who has an interest, whether direct or indirect, in any matter being considered or to be considered by the Board, shall disclose the nature of his interest to the Board and the disclosure shall be recorded in the minutes of the Board and such member shall not take part in any deliberation or decision of the Board relating to that matter.

(2) A member of the Board who contravenes subsection (1) shall be guilty of misconduct and shall be removed from the Board.

Immunity of members.

7. (1) Action or other proceedings shall not lie or be instituted against any member of the Board or member of a committee of the Board for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

(2) A member of the Board shall not be personally liable for any debt or obligation of the Commission.

Committees of Board.

8. (1) The Board may, for the discharge of its functions, appoint one or more committees to perform such functions as the Board may determine.

(2) A committee shall comprise members of the Board or non-members or both as the Board may decide.

(3) Without prejudice to the generality of subsection (1), the Board shall appoint an audit committee consisting of such members of the Board, excluding the Executive-Director, and performing such functions as the Board may determine.

(4) A committee shall submit a report of its proceedings to the Board at such time as the Board may determine.

Functions of Board.

9. (1) Subject to this Act, the Board shall have the supervision of the Commission, including overseeing the sound and proper financial management of the Commission.

(2) It shall also be the responsibility of the Board to provide such policy guidance and advice as will secure the efficient implementation of the functions of the Commission and enhance the overall performance of the Commission.

10. The Chairman and the other members of the Board and any person co-opted by the Board under subsection (8) of section 5 shall be paid such remuneration, fees and allowances approved by the Minister and shall be reimbursed by the Commission for expenses incurred in connection with the discharge of their functions as the Board may, with the approval of the Minister, determine. Remuneration of members.

11. (1) Where the Chairman or a Member of the Board dies, resigns, is removed from office or is absent for a continuous period exceeding 3 months or is by reason of illness unable to perform the functions of his office for a continuous period of 3 months- Filling of Vacancies.

(a) the members of the Board shall, as the case may be, elect 1 of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and

(b) in the case of the member, the Chairman shall arrange, subject to this Act, to have another person appointed to the Board.

(2) Where a person is appointed as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

PART III-FUNCTIONS OF COMMISSION

12. (1) The function of the Commission is to undertake measures to prevent, manage and resolve conflicts, to build, promote and maintain sustainable peace in Sierra Leone and to advise the Government of Sierra Leone on all aspects of conflict resolution and peace. Functions of powers of Commission.

(2) Without prejudice to the generality of subsection (1) the Commission shall have responsibility to -

(a) promote peace, reconciliation and unity in Sierra Leone;

(b) build peace cultures, enhance tolerance and support peaceful resolution of conflicts throughout Sierra Leone;

- (c) monitor and evaluate the implementation of the Truth and Reconciliation Commission recommendations and adopt measures to promote and facilitate full implementation of the recommendations;
- (d) advise Government on the formulation and implementation of policies relating to peacebuilding, conflict prevention and conflict resolution;
- (e) develop programmes and provide services that promote awareness activities in local communities, schools, and local administration to promote conflict prevention and conflict resolution;
- (f) conduct investigations or research on disputes and conflicts in order to identify -
 - (i) the nature, scope, extent and causes of disputes and conflicts; or
 - (ii) intervening strategies for the resolution of disputes and conflicts;
- (g) take into account, local stakeholders' interests in the management of crisis;
- (h) sensitise local communities on land conservation needs and socioeconomic issues;
 - (i) address causes of all forms of discrimination, intolerance, negative ethnicity, perceptions;
 - (j) promote respect for religious, cultural and linguistic diversity;
- (k) develop procedures and mechanisms at the national level to facilitate dialogue among political parties, communities, organisations and other groups in order to prevent conflict;

- (l) receive complaints from the public on violence, inequality or injustice and take appropriate measures for redress;
- (m) develop mechanism for early warning signs and take preventive measures to abort, abate or redress intending threats;
- (n) provide amicable resolution to conflict through Alternate Dispute Resolution, including indigenous dispute resolution;
- (o) foster Governmental and non-governmental partnerships among institutions and organisations in conflict prevention, management and resolution;
- (p) provide a framework for mainstreaming national cohesion and integration into national development programmes; and
- (q) perform any other function that the Commission may be required or permitted to perform by or under this Act or any other enactment or carry out such other functions and programmes as necessary for the attainment of the object stated thereto.

(3) For the purposes of an investigation under this Act, the Commission shall have such powers, rights and privileges as are vested in the High Court in a trial, in respect of -

- (a) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise;
- (b) compelling the production of documents and other things; and
- (c) the issue of a commission or request to examine witnesses abroad.

Independence of Commission. 13. In the discharge of its functions under this Act, the Commission shall not be subject to the direction or control of any other person or authority.

PART IV - ADMINISTRATIVE PROVISIONS

Executive Secretary. 14. (1) The Commission shall have an Executive Secretary who shall be appointed by the Board upon such terms and conditions as the Board shall, after consultation with the Minister, determine.

(2) A person shall not be appointed Executive Secretary unless he has proven knowledge of conflict prevention, management and resolution; and experience in peace related matters.

Duties of Executive Secretary. 15. (1) The Executive Secretary shall be responsible to the Board for the performance of the following functions-

- (a) to provide overall leadership in the conduct and management of the day-to-day business or activities of the Commission;
- (b) to initiate and maintain high-level contact with interested parties, both local and international, in relevant areas of the operations of the Commission;
- (c) to monitor and supervise the preparation of the annual budgets and reports of the Commission for the review and approval of the Board;
- (d) to oversee the work and discipline of the other staff of the Commission;
- (e) to carry out such other functions as may be assigned by the Board or necessary for the purposes of the Commission;
- (f) serve as Secretary to the Board and be responsible for recording and keeping of minutes of meeting of the Commission.

(2) The Commission may delegate to the Executive Secretary -

- (a) the power for the appointment of such grade or categories of staff as the Commission may require;
- (b) the power to enter into an agreement with an independent body or agency for the purpose of carrying out the functions of the Commission.

16. (1) The Commission shall have, in addition to the Executive Secretary, a secretariat consisting of a Secretary, Finance Officer, Administrative Officer and such other additional technical and administrative staff, as may be required for the efficient performance of the functions of the Commission. Other staff of Commission.

(2) The staff of the Commission shall be appointed by the Board subject to such terms and conditions as the Board shall determine.

17. Public officers may at the instance of the Commission, be seconded or otherwise render assistance to the Commission but the Commission may request the withdrawal of any such seconded staff who is unable to carry out assigned functions in a manner satisfactory to the Commission. Secondment of public officers.

18. An officer or employee of the Commission or any person acting on the directions of an officer or employee of the Commission shall not be liable in respect of any matter or thing done by him in good faith under this Act. Protection of officers.

PART V - FINANCIAL PROVISIONS

19. (1) The activities of the Commission shall be financed by funds consisting of - Funds of Commission.

- (a) monies appropriated by Parliament for the purposes of the Commission;

- (b) monies given to the Commission by way of gifts, endowments, bequest, grant or other contributions by persons and organisations for the purposes of the Commission;
- (c) all other monies which may, from time to time accrue to the Commission.

(2) The funds of the Commission shall be applied only for the purposes of the approved budget of the Commission.

Accounts and
audit of
Commission.

20. (1) The Commission shall keep proper books of account and other records in relation to the activities, property and finances of the Commission in a form approved by the Auditor-General, and shall prepare in respect of each financial year of the Commission a financial statement which shall include -

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds;

(2) The accounts of the Commission kept under subsection (1) shall, not later than 3 months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Authority and to require such information and explanation thereon as he may think fit.

(4) The Commission shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Commission.

(5) The Auditor-General or the auditor appointed by him shall submit to the Commission a report on the audited accounts and

the financial statements referred to in subsection (1) and shall, in his report draw attention to -

- (a) any irregularities in the accounts;
- (b) any matters that are likely to adversely affect the operations of the Commission; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Commission.

21. The financial year of the Commission shall be the same as the financial year of the Government. Financial
year of
Commission.

22. (1) The Commission shall, within three months after the end of the financial year, submit to the Minister a report on the performance of its functions during that year and on its policy and programmes. Annual
report.

(2) The annual report shall include the accounts and annual financial statement prepared under section 21 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within 3 months after he has received the report.

(4) The Commission shall make copies of the report available to all stakeholders once it has been laid before Parliament.

23. The Commission may, at any time, submit a special report to Parliament through the Minister with respect to any aspect of the functions of the Commission which the Commission considers should, in the national interest, be brought to the attention of Parliament. Special
report.

PART VI-MISCELLANEOUS PROVISIONS

24. The Minister may, by statutory instrument, after consultation with the Commission, make Regulations as he considers necessary or expedient for giving effect to the provisions of this Act. Regulations.