

## **BRIEF ACCOUNT OF CONSTITUTIONAL DEVELOPMENT OF SIERRA LEONE**

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Constitutional development in Sierra Leone, as a country can be traced as far back as the days of Granville Sharp, who first designed one for the freed men and women of the Province of Freedom. Followed were the Black hall Constitution of 1863, the Slater Constitution of 1924 and the Stevenson Constitution of the 1950s.

In 1961, Sierra Leone gained independence and in 1971 a Republican Presidential System was established. In 1978, a One Party Constitution was introduced and in 1991 Sierra Leone had a multi- party system, which brought into existence the Constitution of Sierra Leone 1991.

The Government of Sierra Leone is the governing authority of the Republic of Sierra Leone as prescribed by the 1991 Constitution of Sierra Leone. The government system is divided into three arms: the executive, legislative and the judiciary. The seat of power (State House) is housed in the capital city of Freetown. The Government of the Republic of Sierra Leone functions within the legal framework of presidential representative democratic republic, where His Excellency the President of the Republic of Sierra Leone is the Head of State, the Supreme Executive Authority of the Republic and Commander-in- Chief of the Armed Forces as provided for in Chapter v, Part I Section 40(1) of the Constitution of Sierra Leone 1991.

From the above section, it is indicated that Executive power is exercised by the president whilst legislative power is vested in Parliament and in principle the judiciary is independent of the executive and legislature. Ministers of State are appointed by the president with the approval of the House of Representatives; the cabinet is responsible to the president. The president is elected by popular vote for a five-year term.

### **WHY COUNTRIES REVIEW THEIR CONSTITUTION?**

Generally, reviewing of a constitution is a global phenomenon and countries review their constitutions for obvious reasons. One may be tempted to say that one reason for reviewing of a country`s constitution is based on the fact that we are living in a global world where emerging issues are coming up and there is need for such issues to be handled within the procedural due process of the law. In addition, State parties, by signing and ratifying human rights conventions and or treaties must at national level commit themselves to avoiding any action that would violate or lead to the violation or abuse of fundamental human rights.

Distinguished ladies and gentlemen, it is legally accepted for Sierra Leone as a country to review its constitution as provided for in Chapter VI, Part V Section 108 of the 1991 Constitution of Sierra Leone. The renewal of the 1991 Constitution is also clearly recorded in the recommendations made by the Lome Peace Accord, the Truth and Reconciliation Commission (TRC) and the Universal Periodic Review (UPR). In addition to the above, there was also a clarion call by the Sierra Leone Conference on Development and Transformation as well as the enduring calls from Civil Society Organizations amongst which was specifically women, youth

and the physically challenged demanding greater inclusion within governance. From the above, one will safely say that there has been popular public requests from rights holders for the reviewing of the Sierra Leone 1991 Constitution.

## **REFLECTION AND LAUNCHING OF THE CONSTITUTIONAL REVIEW COMMITTEE**

The reviewing of the 1991 Constitution has been part of government`s plan since 1996. The efforts of former President Ahmad Tejan Kabba in the implementation of the reviewing of the Sierra Leone 1991 Constitution came in 1997 when he appointed Mr Peter Tucker as head of the committee to review the Constitution. The report of Mr Peter Tucker Commission is one of the key documents that I assume, will inform the current Constitutional review process.

Following the demand for the review of the 1991 Constitution, the present government of President Ernest Bai Koroma also expressed the need for the review of the 1991 Constitution, and has given it full priority and endorsement. In response to the above HE the President Ernest Bai Koroma finally launched the eighty members Constitutional Review Committee on the 30<sup>th</sup> July 2013 at the Miatta Conference Hall, Youyi Building, Brookfields, Freetown.

## **COMPOSITION OF CONSTITUTIONAL REVIEW COMMITTEE**

In constituting the Committee, a seemingly broad-based Constitutional Review Committee membership was established. A total of eighty members were drawn from all facets of society that constituted the Committee. This composition I believe is in conformity with the principles of good governance, inclusiveness as well as participatory democracy which are the building block of any democratic state. The Chairman of the Committee is the current Ombudsman, Hon Justice Edmond Cowan, a retired judge of the Superior Courts of Judicature and former Speaker of Parliament. The other stakeholders were drawn from Civil Society Organizations and other institutions.

## **MY EXPECTATION FROM THE MEMBERS OF THE CONSTITUTIONAL REVIEW COMMITTEE**

Precious readers, my expectation from members of the Committee is that they will effectively collaborate with both the print and electronic media with regards public enlightenment on the review process. Committee members should accelerate popular participation and reaffirm public confidence in the process. Very importantly, the Committee should also ensure that the critical mass of this country in the rural areas is not left behind. They must ensure that the interest of a majority of these persons who are hindered by illiteracy, poverty and lack of access to media such as newspapers and television from actively benefitting from the conventional media are adequately catered for. Indeed, since the overwhelming population of our nation reside in the rural areas, it is only logical and pertinent for the Committee to device creative strategies to ensure that they are not only well informed, but are also mobilized and guided to make inputs.

## **MY ADVICE TO MEMBERS OF THE CONSTITUTIONAL REVIEW COMMITTEE**

Mr Chairman and members of the Constitutional Review Committee may I kindly advice that the eighty members committee is divided into sub-committees with equal regional representation. The objectives of these regional committees would be for people to take ownership of the document and to capture the views and opinions of various local communities and other stakeholders throughout the country that would inform the process as well as generate national ownership and participation in the preparation of the final document. Distinguished ladies and gentlemen, for the sake of public education, may I kindly request from the Chairman of the Constitutional Review Committee to supply the full names and institutions/organizations of the eighty members Committee to the public. Mr Chairman may I also humbly submit to the Constitutional Review Committee members that it is right for members of the public to be adequately informed and involved in every process of the review, and may I also kindly submit to members of the public we all have corresponding responsibilities to actively participate in all Provincial, District and Chiefdom hall meetings in order to have our collective voice counts in the entire Constitutional Review Process.

### **THE ROLE OF THE PUBLIC**

The general public must be willing to actively participate in the entire Constitutional Review Process. The document should be looked at as a `peoples document`. In that regard therefore, the review should reflect the views and opinion of everybody, because it is the main document of the land. It is but fitting for all the laws of the land to be placed in one document referred to as Constitution. This document should regulate the activity of the society.

In conclusion, distinguished ladies and gentlemen, we must all aware of the plain truth that `any constitution that is hurriedly drawn up stand the risk of failure when subjected to the pressure of political, legal, economic and social forces in the society`. Long live the Land that we Love `MAMA SALONE`