



Institute for Legal Research and Advocacy for Justice (ILRAJ)

Remarks by ILRAJ CEO, Basita Michael at the Conference to speed up the Constitutional Review Process organised by Carl funded by ActionAid

Representatives of Government, Representatives of Political Parties, members of the Diplomatic core, members of the fourth estate, civil society, learned colleagues and distinguished ladies and gentlemen I greet you all. I shall start by thanking my colleague Ibrahim Tommy for inviting me. I'm truly honoured. Let me also thank ActionAid for supporting and funding this conference. Now to my statement.

Diamonds are forever, but constitutions are not. No Constitution is meant to last in perpetuity. That is probably why Thomas Jefferson wrote to James Madison in 1789 and said, "...it may be proved that no society can make a perpetual constitution or even a perpetual law. The earth belongs to the living generation and not to the dead - every constitution then and every law naturally expires at the end of 19 years." If Jefferson's thinking is correct, the 1991 constitution expired more than a decade ago.

At Lomé in 1999, the Government committed to review the constitution, and in 2002 the Truth and Reconciliation Commission called for a review of the 1991 constitution. We are way behind schedule.

This is not to say that successive governments have not expressed their commitments to call for the review of the 1991 constitution. Almost every political party has pledged in their manifesto to review the constitution. Millions of Leones and resources have been spent to produce two Constitutional Review Reports – Dr. Peter Tucker's in 2008 and Justice Edmond Cowan's in 2016. Despite these promises and reviews, successive governments have failed to deliver a revised constitution.

Sadly, the many Sierra Leoneans who dedicated their precious time to the review processes have passed away without seeing their recommendations come to fruition. Dr. Peter Tucker, Justice Edmond Cowan, Justice Tolla Thompson, N.D. Tejan-Cole and James Blyden Jenkins-Johnson, to name just a few. If we are to honour their memories, we must at the very least ensure that we deliver a new constitution that meets the aspirations of the people.

Furthermore, going by the strategic objectives and key policy actions mentioned in the Middle Term National Development Plan 2019-2023, there cannot be a better time to accelerate the review process and finalize it. The progressive and ambitious policies of the government uniquely afford us the opportunity and valid grounds to urgently reform our constitution. There is a need for us to align the strides we have made as a nation and our progressive policies with our constitution. We cannot afford to have a constitution that is at odds with the new values, needs and aspirations of the people of Sierra Leone. Our constant call and longing for good governance, lasting peace, national cohesion and better standard of living for our people are far too advanced for the 1991 constitution.

It's difficult to imagine the kind of amendments that would effectively fix all of the flaws and loopholes of the 1991 constitution, but we can easily revise the 1991 constitution to give it a humane face. One



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that believes in the dignity of humans and that mirrors the needs of our nation that has grown not only in population but also in both its international and domestic responsibilities.

Mindful of this, the Institute for Legal Research and Advocacy for Justice (ILRAJ) adds its voice to the voices of well-meaning Sierra Leoneans to call on the government to expedite the review process, which is long overdue. In the name of progress, we trust that the government will take this call in good faith and meet it with the same bravery it demonstrated in abolishing the criminal libel provisions in the Public Order Act.

It is reported that the government has already appointed a task force to look into the review process. That is commendable indeed, but we don't know much about the task force and its exact purpose. Is it to review the recommendations of Justice Cowan led CRC and choose from it what is practicable for amendments? Is it to review the white paper dated 10th November 2017 issued by the former government on the Justice Cowan Report? Is it to look into the possibility to accept the more than 100 recommendations rejected by the former regime out of the 134 recommendations? Lots of questions that need answers. Therefore, we look forward to the Taskforce informing the nation about its composition, mandate, mission, and the work it has done so far. The need for the process to be open, transparent and participatory cannot be overstated. On our part, we are willing to work with the Taskforce on such an important national issue that is so close to our hearts and the hearts of many Sierra Leoneans.

Mindful of the above and the seriousness of the review process, ILRAJ aims to mobilize and rally for a national effort to speed up the review process.

To this end, ILRAJ will embark on series of activities. Our main activity is to organize several discussions on some thematic areas in the 1991 constitution that are ripe for amendment and reform. This will be done through its TV program, Law Review, which will take place every fortnight at 8-9 pm on Thursday, aired live on AYV, and broadcasted on popular radios in the western area and the provinces. Nicky Spencer Coker will host Law Review, and our first program is on the 4th of February. Through Law Review, ILRAJ aims to engage key stakeholders and experts to discuss ten themes recommended for review and amendment by the Justice Cowan Report.

To avoid getting lost in the details of the particular amendments, I shall give you a rundown on the said themes.

1. Abolition of the Death Penalty
2. Address decentralization issues and the division of responsibilities between local government and central government by adding a new chapter in the revised constitution.
3. Remove the discriminatory provisions against women in section 27 4 (d) and (e) of the 1991 constitution



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4. Provide greater Clarity on Citizenship laws to ensure that it is not discriminatory, i.e., based on race or gender.
5. Enshrine a right to a healthy and clean environment that will be protected for the benefit of a future generation and to introducing a new chapter on land natural resources and the environment.
6. Separate the Office of the Attorney-General from that of the Ministry of Justice and make both appointments subject to the approval of Parliament.
7. Maintain and strengthen judicial independence by reforming the composition and mandate of the Judicial and legal service commission
8. Make the appointment of Judges more independent, transparent, and merit-based.
9. Make provisions for a fixed date for elections and a smooth and clearer transition.
10. Abolish Supreme Executive authority.

Based on the outcome of the above prior discussions, ILRAJ aims to hold a conference in October to mark the 30th anniversary of the 1991 constitution and further discuss the above themes in the hope that we will come up with what we may call the people's constitution.

To further mark the 30th anniversary of the 1991 Constitution and the 60th independence anniversary of Sierra Leone, at the conference in October, the Institute for Legal Research and Advocacy for Justice (ILRAJ) will compile a journal on the Constitution of Sierra Leone. ILRAJ has already made a call for high-quality articles from authors from a multidisciplinary background of law, political science and other social sciences. The articles in the journal will look at the extent to which the 1991 Constitution has served in responding to the political, social, economic and cultural issues that face Sierra Leone.

We trust that if, as a nation, we come together and redouble our efforts, our hopes and dreams of a revised constitution will soon be turned into reality.

Lɛ wi kam togɛda fɔ mek wi kɔnstityushɔn wok bɛtɛ.