

Minutes of the 7th meeting of the Project Board

The Support to the Sierra Leone Constitutional Review Project

UNDP Conference Room, 14th April 2016

Summary

The 7th Project Board meeting and the 1st for 2016, for *the Support to the Sierra Leone Constitutional Review Project* was held on 14th April 2016 at 10.30 am in the Conference Room UNDP's office, 55 Wilkinson Road, Freetown. The meeting was chaired by the Country Director of the United Nations Development Programme (UNDP) Mr. Sudipto Mukerjee and was attended by the Constitutional Review Committee (CRC), National Electoral Commission (NEC), European Union (EU), Campaign for Good Governance (CGG), and the United Nations Development Programme (UNDP).

Project update was the main item on the agenda.

1. Opening remarks

The Chair, UNDP Country Director, Mr. Sudipto Mukerjee welcomed all to the meeting which he said was mainly to take stock of the previous quarter's activities and to discuss plans for the next quarter. He thanked the EU for granting the no cost extension to the project, and noted that the project was able to have additional consultations with women's groups through the support of UNWomen

The Chairman CRC, Justice Edmund Cowan in his opening remarks stated that the CRC had been receiving reactions on the abridged draft report from various organizations. The recommendations he said would be taken into consideration during CRC plenary.

2. CR Project and Progress Report

The Chief Technical Adviser (CTA), Mr. Sanaullah Baloch gave an overview of the status of the project and future processes. He stated that:-

- Late receipt of GoSL's allocation to the project has resulted in delay in the processes. In order to be able to produce the final report, CRC needs some more time for plenary to discuss, do reports and recommendations
- CRC requested extension of the project up to September 2016.
- The review process is the inclusive process of consultation and submission of the final report to GoSL. It is aimed that this process be completed by August/September.
- The adoption process involves the report being forwarded to the Government for a White Paper which would further lead to the preparation of Draft Amendment Bill to be discussed in the Parliament. Parliament would debate the Bill and if adopted, send to His Excellency the President.

- The President will then pass the Bill on to NEC to go through the necessary electoral processes and prepare for the referendum. The adoption process ends with the referendum and H.E's ascent.
- The implementation process is a long process depending on what had been adopted. It is the process during which the legislature is updated with institutional and structural restructuring done.
- Recommendations on the abridged version are been received; some positive ones which is very encouraging.
- 20 response papers including a personal one from the Honourable Vice President had been received against the abridged version.
- One great challenge is the resource to complete the report and the oral process.
- CRC is working closely with the Ministry of Justice, NEC and Parliament. Parliamentarians would need a lot of briefing on the Bill in advance of it being tabled for discussion in Parliament.
- The consultation process needs to be continued.

2.1 Mr. Saa Kpulum, Executive Secretary CRC, informed that four teams from the CRC would leave for up country for detailed consultations with stakeholders. The teams would collect all reactions on the abridged draft and bring to plenary. Mr. Kpulum further informed that funding posed a challenge but that GoSL provided some resources and had granted extension of the project

3. Questions, comments and answers

UNDP Country Director, Mr. Sudipto Mukerjee suggested the EU be approached for funding as the EU had offered to assist in looking at other possibilities of funding.

Justice Edmond Cowan, Chair CRC, mentioned he had discussions with the British and Irish on the issue of funding.

Mr. Sven Ruesch, EU, congratulated CRC on steering such a complex exercise of drafting, consulting and sensitizing, and congratulated the donors who provided funding. He wanted to know how much GoSL had provided and whether there was a gap.

Justice Cowan, CRC Chair, replied that CRC requested one billion leones, but only received Le600,000,000.00 (six hundred million leones), leaving a shortfall of Le400,000,000.00 (four hundred million leones).

Mr. Mohamed N Conteh, NEC Chair, congratulated CRC for having come this far. He suggested that CRC hold extensive discussions with members of the Cabinet, and pre-legislative meetings with members of Parliament on the Bill, so that both groups would have had good grounding by the time the Bill is presented to them for debate and approval.

NEC Chair mentioned that NEC was preparing for the conduct of the referendum and had also prepared a Bill for amendment to the Public Elections Act, as the PEA did not make provision for a referendum. The

draft Bill on the PEA has been sent to the Attorney Generals' office and the Law Officers' Department for reactions. NEC Chair intimated that NEC already has a draft budget and timeline for the referendum, and was working on an operations plan.

Justice Cowan, CRC Chair mentioned that CRC was thinking of setting up an implementation body that would manage and monitor the implementation process. He stated that he favours the Ghana model of taking only the entrenched clauses for referendum, and remarked that certain chapters of the constitution needed to be entrenched.

Ms. Valnora Edwin, CGG, wanted to know how distribution of the abridged version was carried out.

CRC, Chair replied that some copies were sent to the Paramount Chiefs and some to the district offices whilst the teams going up country for the consultations would also take copies with them.

The CTA remarked that due to funding constraints, UNDP could not produce copies of the abridged version as was done for the constitution last year.

NEC Chair concurred that engaging in consultations is an expensive process and appealed to EU to assist with funds.

CRC Chair stated that NGOs had taken the draft constitution for consultations up country and had come back with reactions.

Ms. Annette Nalwoga, UNDP, suggested that selected sections of the draft be posted out in newspapers for public consumption.

Ms. Valnora Edwin suggested that several other channels of dissemination could be looked into.

The CTA intimated that the project is the most underfunded project with a budget of approximately \$4M, when compared to that of Zimbabwe, Sudan and Kenya with budgets of \$43M, \$100M and \$150+M respectively. He explained that the process should have started in 2002 immediately after the Truth and Reconciliation Commission but only started in 2013/14. He stated that the project was not properly conceived/designed. He reiterated that lack of international commitment, national and political will, would cause moral crisis in the country if for two decades the project remains unfulfilled. The CTA pointed out that there is a current financial challenge of approximately \$1.4M.

Mr. Mukerjee added that the project was meant to be a multi-donor funded project. He suggested an appeal for funding be made at the next Head of Missions meeting. He appealed to the EU and DFID to assist in resource mobilization; in the event they could not fund, they could reach out to possible donors.

Mr. Sven Ruesch, EU replying said the EU funding is exhausted, and supported the idea of approaching the Irish and other donors. He opined that resource mobilization was business for all and confirmed he would assist in the resource mobilization drive.

NEC Chair informed that NEC was planning to hold the referendum in the last quarter of 2017 and that NEC would need the data for registration by January 2017.

Summarizing and giving his concluding remarks, Chair, UNDP's Country Director stated that:-

- There were important steps to follow in the review, adoption and implementation processes of the constitutional review.
- There is need for more funds for the project to be accomplished.
- There is great need for sensitization, hence need for further resources
- EU and other donors to help with the resource mobilization
- Meetings with the Cabinet and the Honourable Speaker of Parliament be organized in order to soften the ground for ultimate discussions on the Government White Paper of the Constitution
- UNDP Country Director to consult the Irish and Heads of Missions with regards funding for the project.
- EU, DFID and UNDP to come together to mobilize more donors
- Despite Ebola, the project has managed to come this far
- The fact that women had participated in the project was very encouraging.
- Thanked EU and DFID for the support so far

With no other business the meeting ended at 12.15

Attendance list

1. Mr. Sudipto Mukerjee, UNDP Country Director, Chair
2. Justice Edmond K Cowan, Chair, Constitutional Review Committee (CRC)
3. Mr. Saa Kpulun, Executive Secretary, CRC
4. Mr. Mohamed N Conteh, Chair & CEC, NEC
5. Ms. Augusta Bockarie, Commissioner, NEC
6. Mr. Aiah Quiwa, NEC
7. Mrs. Gladys N John, NEC
8. Mr. Sven Ruesch, EU
9. Mr. Julius I K Foday, EU
10. Ms. Valnora Edwin, Campaign for Good Governance, (CGG)
11. Mr. Sanallah Baloch, UNDP
12. Ms. Annette Nalwoga, UNDP
13. Ms. Illuminate Maerere, UNDP
14. Mr. Edward Kamara, UNDP
15. Ms. Gloria Thomas, UNDP

ANNEX – PowerPoint Presentation