

Government of Sierra Leone



**MANAGEMENT AND FUNCTIONAL REVIEW
OF THE
MINISTRY OF JUSTICE AND ATTORNEY
GENERAL'S DEPARTMENT**

**Project : Management and Functional Reviews Across the Full Range of
Government of Sierra Leone Ministries**

Sponsored by
DFID CNTR 04 5564

**Final Consultation
Report**

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supported by **Public Administration International**
in partnership with **CoEn Consulting**

Freetown, June 2007



PAI

**GOVERNANCE
REFORM
SECRETARIAT**

TABLE OF CONTENTS

GLOSSARY

EXECUTIVE SUMMARY

SUMMARY OF RECOMMENDATIONS

MAIN REPORT

1.0 INTRODUCTION

2.0 TERMS OF REFERENCE

3.0 APPROACH TO THE STUDY

4.0 RESPONSIBILITY

5.0 ACKNOWLEDGEMENTS

6.0 OVERVIEW OF PRESENT ARRANGEMENTS

7.0 ANALYSIS AND RECOMMENDATIONS

8.0 INSTITUTIONAL ARRANGEMENTS FOR MANAGING CHANGE AND CHANGE PROCESSES.

APPENDICES

APPENDIX 1 -_ Copy of Questionnaire

APPENDIX 2 – List of People Consulted/ interviewed

APPENDIX 3- Current Staff List (MOJ)

APPENDIX 3A – Current Staff List (AR-G)

APPENDIX 4 – Documents and Publications Examined

APPENDIX 5 – Existing Organisational Structure of MOJ

APPENDIX 5A – Existing Structure of Administrator and Registrar-General Department

APPENDIX 6 – Proposed Organisational Structure of the MOJ

FIGURES

- Figure 1 - Staff Types at MOJ
- Figure 2 – Types of Staff Qualifications at MOJ
- Figure 3 – Staff Age – Legal Officers of MOJ
- Figure 4 – Staff Ages – Technical Staff of MOJ
- Figure 5 – Staff Ages - Clerical & Support Staff (MOJ)
- Figure 6 – Staff Categories – Administrator and Registrar General Department
- Figure 7 – Staff Qualifications - Administrator and Registrar General Department
- Figure 8 - Staff Ages- Administrator and Registrar General Department

GLOSSARY OF ABBREVIATIONS AND ACRONYMS

AR-G	-	Administrator and Registrar – General
DAR-G	-	Deputy Administrator and Registrar-General
DFID	-	UK Department for International Development
ESO	-	Establishment Secretary’s Office
GBAA	-	Government Budget and Accountability Act of 2005
GoSL	–	Government of Sierra Leone
GRS	-	Governance Reform Secretariat
GVWC	-	Guma Valley Water Company
HRM	-	Human Resource Management
HRMO	-	Human Resources Management Office
IRMT	-	International Records Management Trust
MDAs	-	Ministries, Departments and Agencies
MFR	-	Management and Functional Reviews
MLCP	-	Ministry of Lands and Country Planning
MOJ	-	Ministry of Justice
MSWCGA	-	Ministry of Social Welfare, Gender and Children Affairs
MTEF	-	Medium Term Expenditure Framework
MTI	-	Ministry of Trade and Industries
MTourC	-	Ministry of Tourism and Culture
MWHTM	-	Ministry of Works Housing and Technical Maintenance
PAI	-	Public Administration International
PS	-	Permanent Secretary
S-G	-	Solicitor- General
SS	-	Staff Superintendent
UNOMSIL	-	United Nations Mission in Sierra Leone

EXECUTIVE SUMMARY

1. As part of the Government of Sierra Leone's (GoSL's) programme to promote good governance in the management of the public services in order to restore efficiency and improve service delivery to the population, the UK Department for International Development (DFID) commissioned a series of pilot Management and Functional Reviews (MFRs) of five key Ministries in 2002. These reviews were endorsed by the Steering Committee on Good Governance, and their recommendations approved by Cabinet in 2002. The GOSL requested a re-review in 2005 of these five ministries and a review of all remaining ministries in the light of major changes affecting the proposed restructuring arising from the impact of the Local Government Act 2004, and the implementation of the devolution process.
2. Following on from these initial reviews, DFID are funding reviews across all Government Ministries over a three-year period 2005-2007. These new reviews are part of an integrated programme funded by DFID and delivered by Public Administration International (PAI) with its partner CoEn Consulting in support of Governance Reform Secretariat. The wider programme includes modernizing the Establishment Secretary's Office to create a Human Resources Management Office (HRMO) and a Records Management (RM) component supported by PAI partner the International Records Management Trust (IRMT). This Report covers the Management and Functional Review (MFR) of the Ministry of Justice.
3. The origin of the Ministry of Justice is a very interesting one. It began as the Law Officers' Department during the pre-independence period with the Solicitor-General as its head who reported to the Governor-General. Also in existence then was the Office of the Registrar – General which reported to the Governor-General. The 1978 Constitution of Sierra Leone recognized both the Law Officers' Department and the Office of the Administrator and Registrar-General as separate entities but at the same time put the two institutions under one head who was the Solicitor – General. The 1991 Constitution of Sierra Leone did not change this position or relationship between the two institutions but has maintained it. Thus the present day Ministry of Justice is a fusion of the structures of these two institutions with the Attorney-General and Minister of Justice as its political head. The Solicitor-General position has been maintained as the principal assistant to the Minister. In addition to its portfolio, the MOJ has ministerial responsibility for the Law Reform Commission.
4. The 1991 Constitution and a number of laws provide the statutory framework and mandate for the Ministry of Justice. Some provisions in these laws are obsolete and need revision particularly in view of new manifestations of crimes such as cyber crimes, war crimes especially crimes against humanity and cross border conflicts etc., to make them relevant to the present day needs of the country.
5. Some of the functions of the Ministry also overlap a number of other Ministries and these overlaps need to be clarified. We have made recommendations concerning these overlaps.

6. The present organization structure of the MOJ needs reviewing to enable it to discharge its mandate and functions. This is because it lacks the machinery for effective policy development. Where planning and policy making exists it is ad hoc, reactive and does not provide direction or support for the senior tier and political leadership of the Ministry. This omission has rendered the MOJ incapable of delivering the required services.
7. An appropriate organization structure has been recommended for adoption by the Ministry. The qualities and characteristics of the recommended structure have been outlined and discussed with the top echelon of the Ministry who has accepted the merits of it. Furthermore, the recommended structure complies with the Architecture of Government Review Blueprint. The recommended structure based on a directorate system has the Policy Development and Strategic Planning Directorate as one of the key directorates. The structure is also based on the specialized and unique nature of the ministry and the mandate assigned it.
8. The human resource/personnel management function is largely undervalued in the Ministry. Presently, the function is performed by an Executive Officer and the Solicitor – General neither of whom have any formal HR background in the discipline. There is an urgent need to develop a more pro-active and competent HR function properly staffed by trained HR personnel.
9. There are no policies on records management in the Ministry. Records and information management are critical issues that cut across all Directorates. At present the records management system of the MOJ on the whole is very poor. We have recommended the need for reorganising the registry and records keeping systems with assistance from the RM office and the introduction of a central information unit and a Public Information Unit.
10. We make recommendations to address the need for additional staff and to obtain critical skills and competencies to enable the MoJ to carry out its mandate and functions.
11. A full summary of our recommendations on strengthening the Ministry's administrative apparatus is presented herein and covers the following:
 - Reviewing and updating the statutory framework governing MOJ's operations and making them relevant.
 - Formulating appropriate vision statement based on the distinct character and role of the MOJ
 - Formulating appropriate mission statement that would provide a reason for its existence, beliefs, convictions and values.
 - Reviewing of the functions and organisation structure
 - Strengthening the human resource/personnel management function and transforming it in future into a HRMD unit

- Addressing overlaps and disconnects with other Ministries
- Strengthening publication and access to law reports
- Review of existing staff inventory, and development of a succession and training programme
- Establishment of the Internal Audit Unit in line with provision of GBAA of 2005
- Revamping records and information management
- Identifying priority equipment needs
- Creating institutional arrangements for managing change and change processes

SUMMARY OF RECOMMENDATIONS

For ease of reference recommendations are grouped under the broad headings in line with the Terms of Reference. Each recommendation is cross referenced to the main body of the report containing the relevant analysis.

A. **Statutory Framework and Mandate Recommendations**

1. **We recommend** the review and updating of all obsolete laws, regulations and decrees relating to the work of the MOJ's priorities in particular and other Ministries in general to make them relevant to the needs of Sierra Leone.(paragraph 7.05)
2. **We therefore recommend** that the Ministry crafts a vision that would capture its future state. The MFR Team is available to assist the Ministry in crafting an appropriate vision. (paragraph 7.09)
3. **We recommend** the following mission statement for consideration by the Ministry:

The Ministry of Justice exists to ensure administration of justice, rule of law and human rights, enhancement of accessibility to the legal process, protection of legal interest of the state, and prompt and efficient delivery of justice through formulation of policies, coordination, monitoring and evaluation and provision of legal services. (paragraph 7.12)

B. **Recommendations on Functions**

4. **We recommend** that the MOJ initiates action towards rectifying the identified functional overlaps and discrepancies among other connected Ministries (paragraph 7.15)
5. **We recommend** that the following functions should be taken up by the Ministry. These are policy formulation, monitoring and evaluation, research, alternative dispute resolution and publication of law reports. (paragraph 7.18)
6. **We recommend** the establishment of a Council for Law Reporting to publish law reports. We have added this Unit or department to the proposed organization structure of the MOJ (7.19)

C. **Recommendations on Organisational Structure**

7. **We recommend** the adoption of the horizontal review report proposed architecture of government blueprint for a Ministry. The organisational structure

in **Appendix 6** encapsulates the components of the Horizontal Review report proposed architecture of Government. (paragraph 7.24)

8. **We accordingly recommend** that the Ministry should move to a structure based on an integrated directorate format to cover:

- Policy Development and Strategic Planning
- Constitutional & International Law
- Customary Law/Alternative Disputes Resolution
- Civil and Commercial
- Legislative Drafting
- Parliamentary Drafting
- Public Prosecutions
- Provincial Offices
- Human Resource/Administration and Finance (paragraph 7.25)

D. General Management Recommendations

9. **We recommend** that MOJ discuss with the OAG in order to build capacity for the staff of the yet-to-be established Internal Audit Unit to the minimum acceptable level of performance. (paragraph 7.30)

10. **We recommend** that an internal audit unit is created to operate in compliance with Sections 6 (2) and (5) of GBAA 2005. (paragraph 7.31)

11. **We recommend** that management meetings should feature prominently and on regular basis in the scheme of work of the Ministry. The Ministry should fix dates and times for such meetings and ensure that the meetings are held. (paragraph 7.36)

E. Recommendations on relationship with the Public

12. **We recommend** that the Ministry establishes a Public Information Unit to deal with matters from the public and other stakeholders. (paragraph 7.37)

F. Recommendations on Human Resource Management

13. **We recommend** that the Ministry should seek assistance from the ESO/HRMO to restructure, reorganize and revamp the personnel function and transform it in future into a Human Resource Management and Development (HRMD) unit to meet its needs. (paragraph 7.41)

14. **We recommend** that the HRMO should keep custody of all duplicates of personnel records as part of the central information unit. (paragraph 7.42)
15. **We recommend** that the HRMD unit should adhere to central policy guidelines on access and management of personnel records. (paragraph 7.43)
16. **We recommend** the recruitment of additional legal staff or state counsels for the MOJ.(paragraph 7.45)
17. **We recommend** the institution of an incentive scheme and the negotiation of new conditions of service for the MOJ in order to attract and retain legal officers. (paragraph 7.49)
18. **We recommend** the institution of training programmes and discussions with educational authorities on mechanisms to address the competency gaps within the professional cadre. In particular the training should concentrate on key areas inclusive of legislative and parliamentary drafting and alternative dispute resolution. (paragraph 7.51)
19. **We recommend** that the Ministry should seek assistance from the ESO/HRMO and the Justice Sector Development Programme (JSDP) in preparing a Scheme of Service to meet the needs of the Ministry (paragraph 7.54)
20. **We recommend** that the Ministry seek assistance from the ESO/HRMO to prepare a succession plan. (paragraph 7.57)
21. **We recommend** the retirement of all the technical, clerical and support staff members who have reached their retirement age. (paragraph 7.59)
22. **We recommend** that the ministry takes immediate action with the assistance of the ESO/HRMO in recruiting suitable staff to fill positions vacated by these retirees. (paragraph 7.60)

G. Recommendations on Staff Training and Development

23. **We recommend** that the Ministry should seek assistance from the ESO/HRMO to prepare a training policy and plan. (paragraph 7.63)

H. Recommendations on Records Management

24. **We recommend** that the registry and records keeping systems of the Ministry be reorganized with the assistance of the Records Management Team. (paragraph 7.66)

25. **We recommend** that senior management demonstrate interest in the records management function to galvanise staff interest in this area and improve records keeping (paragraph 7.67)

I. Recommendations on Equipment and Logistics

26. **We recommend** that basic equipment and logistics like computers, filing cabinets, typewriters, law books and Reports, furniture, stationery and vehicles should be provided to the Ministry because of its importance and the strategic role it plays in the delivery of justice. (paragraph 7.72)

27. **We recommend** that the Ministry discuss with JSDP the guidelines for accessing essential equipment facility.(paragraph 7.73)

J. Recommendations on Office Accommodation

28. **We recommend** that the general lighting situation be improved and adequate furniture be provided. Offices should also be established in all the provincial headquarters. MOJ should approach and discuss with the landlord (GVWC) on aspects of the upgrade of the building which are clearly with the landlords remit (paragraph 7.76)

K. Recommendations on Institutional Arrangements: The Way Forward

29. We reiterate the fact that the Ministry is poised for fundamental changes in its operations.

30. **We recommend** that the Solicitor-General leads a team of reform-minded staff from a range of grades from MOJ who would oversee all MOJ changes and performance improvements. (paragraph 8.01)

31. **We recommend** that the Ministry circulate this Report and facilitate, through the proposed Change Management Team, a collective response to the Report's recommendations (paragraph 8.03)

MAIN REPORT

MINISTRY OF JUSTICE – (MOJ)

1.0 Introduction

- 1.01 As part of the GoSL's programme to promote good governance in the management of the public services in order to restore efficiency and improve service delivery to the population, the UK Department for International Development (DFID) commissioned pilot management and functional reviews (MFRs) of five key Ministries in 2002. These reviews were endorsed by the Steering Committee on Good Governance, and their recommendations approved by Cabinet in 2002.
- 1.02 Following on from these initial reviews, DFID are funding reviews across all Government Ministries over a three-year period 2005-2007. These new reviews are part of an integrated programme funded by DFID and delivered by Public Administration International (PAI) with its partner CoEn Consulting in support of GRS. The wider programme includes modernizing the Establishment Secretary's Office to create a Human Resources Management Office (HRMO) and a Records Management component supported by PAI partner the International Records Management Trust (IRMT).
- 1.03 This Report covers the Management and Functional Review (MFR) of the Ministry of Justice.

2.0 Terms of Reference

- 2.01 The following terms of reference were agreed for the study:

a. **Review and Redefine the Ministry's Mandate.**

Objective: Review and redefine the mandate and role of the ministry to ensure that it directly relates to and is consistent with the development objectives of Government, including the consequences of decentralization, the devolution plans of the Ministry, budget reforms and its role in the Poverty Reduction Strategy.

Output: - Redefined mandate of ministry, vision and mission statement, functions of ministry.

b. **Review of Organizational Structure.**

Objective: Review organizational structure to determine how the functions and responsibilities of the various units relate to the achievement of the mandate and mission of the ministry.

Output: Reviewed, and redefined organizational structure setting out functions, responsibilities and priority areas of the units within the Ministry.

c. **Review of Administrative Procedure.**

Objective: Review administrative procedures, processes and facilities to determine efficiency and effectiveness in delivering mandate and mission.

Output: Recommendations on changes required to administrative procedures to enhance decision making and delivery.

d. **Existing Staff Inventory and Staff Requirements for the Ministry.**

Objective: To document existing staff inventory, qualifications and skills, undertake any sample job inspections, additional job analysis and evaluations, develop selected job descriptions and establish the future staffing requirement with necessary skills to achieve the mandate and perform the functions identified.

Output: Detailed existing staff inventory, job descriptions and detailed staff requirements which can be used for manpower planning.

e. **Staff Rationalization.**

Objective: Determine the “fit” between existing and future staff requirements of the ministry.

Output: Detailed information on the rationalization of staff to be retained, retired, devolved to Local Government and retrenched.

f. **Communication.**

Objective: To review the pattern of communications between the ministry and the public to assess whether their interests are being satisfactorily communicated to the Ministry and whether Ministry decisions and policies are being satisfactorily communicated and understood.

Output: Recommendations on improvements in communications.

g. **Equipment Estimates.**

Objective: To support the ministry in the preparation of estimates of equipment required for supply from the Essential Equipment Fund.

Output: Equipment estimates.

3.0 **Approach to the Study**

- 3.01 The main tool employed is the process approach which entailed the total involvement of the staff of the ministry particularly top management in the identification of the problems, finding solutions to them and implementation of the necessary changes/recommendations.
- 3.02 Prior to the commencement of the assignment, the Minister and top management were briefed about the review, the parameters and the expected roles they are to play in the process particularly the setting up of the change management team/contact group. This was to ensure acceptance, ownership, transfer of skills and smooth implementation of the recommendations.
- 3.03 Questionnaires (**Appendix 1**) were used as the basis for the structured interviews. Completed questionnaires and the follow up interviews gave a picture of the existing situation with regards to mandate, vision, mission, functions, organization structures, staffing and working arrangements including policy formulation as well as internal and external relationships.
- 3.04 Field visits were also undertaken to the three (3) Regional headquarter towns, namely: Makeni, Bo and Kenema.
- 3.05 Interviews were held with selected officials from the Ministry. The names of those interviewed are listed in (**Appendix 2**).
- 3.06 In addition to the interviews and meetings, information on staff numbers, skills mix and vacancies where available were collected and analyzed. Relevant reports and documents e.g. MTEF Reports, Poverty Reduction and the Horizontal Review Reports were studied.
- 3.07 Contentious issues identified during the review were discussed thoroughly with the Solicitor-General for his views and for consensus to be reached to facilitate implementation.

4.0 **Responsibility**

- 4.01 Although this report has been commissioned by DFID under British Aid arrangements, the British Government bears no responsibility and is not in any way committed to the views and recommendations expressed therein.

5.0 **Acknowledgement**

We are very grateful for the support and facilities provided by the Ministry of Justice and Attorney-General. In particular we are grateful to the Solicitor-General for showing personal interest in the assignment. We are also grateful for the support and interest shown and technical advice given by Mr E. B. Osho

Coker (Coordinator of Public Service Reform) and Stephen Catchpole PAI Resident Team Leader. Our thanks also go to the GRS staff and Lansana Boima (Administrative Officer PAI) for their assistance and hard work.

6.0 OVERVIEW OF PRESENT ARRANGEMENTS

6.01 Background

6.02 The origin of the Ministry of Justice (MOJ) is a very interesting one. Beginning as the Law Officers' Department during the pre-independence era with the Solicitor-General as its head who reported to the Governor-General, it has been transformed through time into what is now known as the Ministry of Justice. Also in existence then was the Office of the Registrar – General which reported to the Governor-General. The Sierra Leone Constitution of 1978 clearly acknowledged that the Law Officers' Department and the Administrator and Registrar-General's Office were two separate departments but at the same time required that the Administrator and Registrar-General reported directly to the Solicitor-General. This proviso brought the Law Officers' Department and the Administrator-General's Office under one head who was the Solicitor-General. This relationship has since existed and not abrogated despite the many transformations that have taken place in the chequered history of Sierra Leone. Furthermore, the 1991 Constitution of Sierra Leone consolidated or sustained this relationship through the establishment of the Ministry of Justice as an umbrella entity and made the Solicitor-General, the Principal Assistant to the Attorney-General and Minister of Justice. At the same time, however, The 1991 Constitution required the Administrator and Registrar-General to report directly to the Attorney-General and Minister of Justice. Thus, the Attorney-General and Minister of Justice by virtue of the 1991 Sierra Leonean Constitution has overall responsibility for the Administrator and Registrar-General's Department and the Law Reform Commission and reports to Cabinet on their behalf.

6.03 The MOJ is an important Ministry in the reconstruction efforts of the Government of Sierra Leone in ensuring good governance. For this reason the Ministry is expected to defend the constitutional order, guarantee rights and liberties of the citizen, protect the State's legal interests and champion the rule of law. These expectations place a daunting responsibility on the Ministry by way of fulfilling these obligations.

6.04 Statutory Framework

6.05 The Ministry of Justice draws its legal framework generally from the 1991 Sierra Leonean Constitution and a number of legislations. With respect to the 1991 Constitution of Sierra Leone:

- Section 64 provides for the establishment of the Office of the Attorney-General and Minister of Justice.
- Section 65 provides for the appointment of the Solicitor General, qualifications and responsibilities.
- Section 66 provides for the office of a Director of Public Prosecutions and the relevant qualifications and responsibilities.

- Section 133, 1 & 2 gives individuals the liberty to sue government i.e. claims against the Government.
- Section 40 (4) provides for (International convention and agreements entered into by or on behalf of government).
- Section 120 provides for the establishment of the Judiciary.

6.06 Other relevant legislations are:

- Legal Practitioners Act (Principal Act) Cap 11
- Legal Practitioner’s (Amendment) Act No. 4 of 26th February 1980
- The Law Officers Act No. 6 1965 (gives responsibility to Attorney-General to represent Government).
- The Law Reform Commission Act, No. 12 of 2nd October 1975 which provides for the qualifications for appointment of the Law Reform Commission.
- The Law Reform Commission Act, 1980 spells out the powers of the Attorney-General to recommend person(s) suitably qualified to be appointed members of the Commission
- The Law Reform Commission Act (Amendment) No. 3 of 8th April 1981
- The Law Reform Commission Rules Public Notice No. 13 of 2nd September 1982
- The Law Reform Commission Decree No. 17 of 10th November 1994
- The Law Reform Commission Decree (NPRC No.3) of 1995
- State Proceedings Act (provides the legal framework to sue Government)
- Public Notice No. 8 of 1998 dated 8th September 1998 Section 13 entitled “Bankers’ Book Evidence Act Not Applicable” with particular reference to Section 29 (5) of the 1991 Sierra Leone Constitution.
- Criminal Procedures Act Section 31/1965.
- Local Courts Act 163 provides for the establishment of Local Courts.
- Local Courts Procedure Rules, 1964.

- Appropriation Act 1968 provides for funds allocation to the Law Officers' Department
- The Constitution of Sierra Leone Act No 12 of 1978 provides for an establishment of a Judicial and Legal Service Commission that includes the Solicitor-General and Administrator and Registrar-General to advise the Chief Justice
- Section 141 of the 1991 Constitution of Sierra Leone provides for the Appointment of Judicial and Legal Service Officers etc
- The National Provisional Ruling Council Decrees No7 of 1994 states the qualifications of the Attorney-General and Secretary of State Judicial Affairs
- The National Provisional Ruling Council Decrees No7 of 1994 calls for an establishment of the Council for Law Reporting
- Cap 255 establishes the position of the Office of the Registrar - General.
- Cap 256 Registration of Instruments Ordinance provides for the functions of the Office of the Registrar - General.
- Cap 257 provides for Business Name Registration.
- The Business Registration Act No. 17 of 1972
- The Business Registration (Amendment) Act No. 18 of 1973
- The Business Registration (Amendment) Act No. 28 of 1976
- The Business Registration Act No. 13 of 15th December 1983
- Vol. 1. Cap 45 of the Laws of Sierra Leone 1960 provides for the Administration of Estate.
- Cap 244 of the Laws of Sierra Leone 1960 governs the Registration of Trademarks.
- The Patents and Industrial Designs Act 2001 provides for the Administration of Patents and Industrial Designs.
- Cap 247 of the Laws of Sierra Leone 1960 governs the Re-Registration of Patent in Sierra Leone.

- Cap 248 of the Laws of Sierra Leone governs the Administration of Copyrights.
- The Interpretation (Amendment) Act No. 10 dated 10th August 1981
- The criminal Procedure (Amendment) Act dated 10th August 1981

6.07 Although the above is a list of legislations that have bearing on the mandate of the MOJ some of them are specific acts, regulations and decrees that are relevant to the Ministry because they span various fields of endeavour. It can also be inferred from the above-mentioned remit that the MOJ is the centre for formulation of Government's judicial policies.

6.08 However, a close look at the dates of promulgation of some of the laws mentioned above shows that some of them are over forty (40) years old and need to be reviewed in view of new manifestations of crimes such as the upsurge of international terrorism, cyber crimes, war crimes especially crimes against humanity and cross border conflicts etc to make them relevant to present day needs of Sierra Leone in particular and other international stakeholders in general.

6.09 **Mandate**

6.10 The Mandate of the Ministry is exclusively derived from the above legislations and constitutional provisions. Section 64 of the 1991 Constitution states the mandate of the MOJ as follows:-

“...Attorney-General and Minister of Justice ... shall be the principal legal adviser to the Government of Sierra Leone and a Minister ...all offences prosecuted in the name of the Republic ... shall be at the suit of the Attorney-General and Minister of Justice... The Attorney-General and Minister of Justice shall have audience in all Courts in Sierra Leone except Local Courts.”

6.11 In addition to its responsibilities in the organization of judicial matters, staff and services, the MOJ carries out administrative functions which are closely connected to the judicial functions in civil and criminal matters.

6.12 The Office of the Administrator and Registrar-General and the Law Reform Commission are also part of the Ministry of Justice.

6.13 **Vision**

6.13 The Ministry currently has not crafted a 'vision' which would provide a clear indication and shared view of the Ministry's future direction.

6.14 **Mission**

6.15 The Ministry has two mission statements the first which is culled from Gazette No. 73 of 10th December, 2002 reads:

“Undertake activities that will ensure the administration of justice, maintenance of law and order, peace, security and respect for human rights”

6.16 The second mission statement from the MTEF document states:

“Undertake activities that will ensure the administration of justice, maintenance of law and order, peace, security and respect for human rights. It also aims to provide prompt and efficient justice. The Law Officers’ Department has a crucial role to play in the administration of justice. To modernize and develop registry activities so as to respond adequately and positively to the economic activities of both the public and private sectors.”

6.17 The mission is consistent with the mandate and these are found both in the MTEF document and the Constitution of Sierra Leone. The mission does not conflict with any Ministries, Departments and Agencies (MDAs).

6.18 **Functions**

6.19 **Core Functions**

6.20 The functions of the Ministry of Justice as stated in Gazette No 73 of 10th December, 2002 are as follows:

- Legal Advice to Government Ministries and other Government Departments.
- Legal Representation on behalf of Government.
- Publication of Legislations, Law Reports etc.
- Treaties and Agreements.
- Constitutional and Legal Matters.
- Law Revision and Law Reforms.
- Drafting of Parliamentary Bills and Constitutional and Legal Documents.
- Extradition.
- Petitions of Right.
- Judicial Affairs including Local Courts.
- Collaboration with relevant Government Ministries and National and International Organisations /Institutions.

6.21 Non-Core Functions

6.22 The notable non-core functions of the Ministry are personnel management and accounts. These provide the support services to the Ministry.

6.23 The Ministry of Justice has few areas of overlapping functions with some Ministries. For instance there is overlap between the MOJ and the Ministry of Works Housing and Technical Maintenance (MWHTM) in building construction, lease of government properties and contracting. This is a remit of the Ministry of Works but it appears that the MOJ does not consult the MWHTM in these matters. Again, both the MOJ and the Ministry of Tourism and Culture (MTourC) have functions relating to copyright and intellectual property with respect to art and sculptures; what is more, the MOJ and Ministry of Trade and Industry (MTI) have overlapping functions relating to intellectual property and trademarks. There is overlap in objectives between the MOJ and the Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA) over matters relating to criminal justice.

6.24 Decentralization

6.25 The following functions currently performed by the Administrator and Registrar-General have been slated for decentralization:

- Celebration and Registration of Marriages by 2005; and
- Administration of Estates and Gratuities by 2005 and 2008 respectively.

6.26 The Government policy on decentralization after two years has not been implemented by the Ministry. Presently, there is nothing to show that the decentralization and devolution policy of Government is being implemented. The plan for staff decentralization has not yet been developed.

6.27 Organizational Structure

6.28 The MOJ is primarily in being to develop and manage legislation and legal advice. It drafts legislation in the fields of law assigned to its remit, namely in the fields of civil law, commercial and economic law, criminal law, and procedural law, constitutional and international law. The tasks of the MOJ also include performing legal scrutiny of legislations drafted by other Ministries in terms of compatibility with constitutional law and the legal system as a whole, as well as in terms of compliance with formal drafting requirements to ensure uniformity.

6.29 The Ministry of Justice has a unique structure. It has as its head, the Attorney-General and Minister of Justice who is responsible for policies and legal matters. By virtue of Part XVI Section 109 of the Local Government Act 2004 the Attorney-General and Minister of Justice also serves as a member of the Inter-

Ministerial Committee on Local Government and Decentralisation. Presently there is no Deputy Minister to assist the Attorney-General and Minister of Justice as none has been appointed by the President. Reporting directly to the Minister are the Solicitor-General (SG), the Director of Public Prosecutions and the Chairman of the Law Reform Commission. The Director of Public Prosecutions is the head of the Prosecutions Division. The Solicitor - General is the administrative head of the Ministry as well as the head of the Law Officers' Department.

- 6.30 The Solicitor-General's position as administrative head is analogous to the Permanent Secretary in other Ministries. As mentioned earlier, the Ministry has oversight responsibility over the Administrator and Registrar – General's Department and the Law Reform Commission.
- 6.31 The MOJ is broken down into divisions which reflect the field of responsibility. Divisions are the basic organizational units of the MOJ and they carry out the substantive work. Tasks of related content are grouped together within each division. The distribution of work within a division is determined by the head of division. Divisional heads supervise and coordinate work and ensure the two-way flow of information between the divisions and the SG. A divisional head is responsible for management and planning in respect of the division assigned to him/her.
- 6.32 In the sections that follow, the various divisions within the Ministry are explored in some detail. It is intended that the exposition will provide input for transforming of the Ministry into a dynamic institution for the future.
- 6.33 **The Law Officers' Department**
- 6.34 According to *the Interpretation (Amendment) Act No 10 of 4th June 1981* "the Law Officers' Department comprises the Attorney-General and Minister of Justice, the Solicitor-General, the Director of Public Prosecutions, the First Parliamentary Counsel, Head of the Civil and Commercial Division and every State Counsel and Parliamentary Counsel".
- 6.35 The head of the Law Officers' Department is the Solicitor - General who is also the principal assistant to the Attorney-General and Minister of Justice. The Solicitor-General is appointed by the President on the advice of the Judicial and Legal Service Commission and he is subject to general directions of the Attorney-General and Minister of Justice. The Solicitor-General is administratively and professionally answerable on all matters to the Attorney-General and Minister of Justice.
- 6.36 The Law Officers' Department has two wings namely Professional and General Administration wings. The General Administration wing is made up of the

technical, clerical and support staff. The Professional wing comprises five key divisions, namely:

- Public Prosecutions;
- Civil and Commercial;
- Parliamentary Affairs;
- Customary Law and
- Constitutional and International Law.

6.37 Public Prosecutions Division

6.38 This division is headed by the Director of Public Prosecutions who is responsible for prosecuting all crimes in the name of the state. The 1991 Constitution of Sierra Leone vests enormous powers in the position of the Director of Public Prosecutions. With the exception of the Attorney-General and Minister of Justice, the Director of Public Prosecutions has power to *“prosecute any case in which he considers it desirable to do so...except those offences being prosecuted in the name of the Republic of Sierra Leone by the Attorney-General and Minister of Justice or some other person authorized by him...¹* Although distinctly provided for in Section 66 of the 1991 Constitution as being directly responsible to the Attorney-General and Minister of Justice in the performance of his professional duties, in practice, he is administratively supervised by the Solicitor General.

6.39 The division has regional offices in Makeni in the north, Bo in the south and Kenema in the east where staff members perform its functions.

6.40 Civil and Commercial Division

6.41 This division is primarily responsible for servicing the legal demands or requests of all MDAs, statutory bodies and other state owned enterprises. The services provided range from proffering legal advice, contract negotiations and agreements as well as providing legal representation.

6.42 Parliamentary Affairs’ Division

6.43 The division is responsible for drafting government legislations, notices and warrant of appointments as well as providing legal opinions and interpretations to legal instruments.

6.44 Customary Law Division

6.45 The Customary Law division is responsible for supervising, reviewing judgments and training of personnel of local courts. The performance of these functions is vested in the Customary Law Officers who are appointed by the Judicial and Legal Service Commission.

¹ 1991 Sierra Leone Constitution Section 66

6.46 Presently the division is facing staffing problems. As a result of the acute shortage of qualified personnel, the division is assisted in the performance of its functions by resident state counsels from the prosecutions division in the three provincial headquarter towns of Bo, Kenema and Makeni. A small number of clerical and other support staff presently provide ancillary services for the division.

6.47 **Constitutional and International Law Division**

6.48 This division is responsible for constitutional matters and international laws; offering advise and interpreting the constitution and international obligations/laws. The division defends government on all issues involving constitutional, bilateral or multilateral obligations.

6.49 **General Administration (Technical, Clerical and Support Staff) Division of the MOJ**

6.50 The General Administration (Technical, Clerical and Support Staff) division is divided into sections. These are:

- The Registry,
- Typing Pool,
- Court Section,
- Library and
- Finance.

6.51 The Solicitor-General is the head of administration and is required to be assisted by a Legal Secretary. However, there is no Legal Secretary at post presently in the Ministry. The vacant position has been taken over by an Executive Officer who is providing some of the services required as a stop-gap measure. The general administration division is responsible for providing the necessary support services such as typing of documents, accounting, procurement, office maintenance etc to the professional divisions.

6.52 The total staff strength presently at the general administration (technical, clerical and support staff) division of the MOJ is thirty- six (36).

6.53 **Finance Section**

6.54 The MOJ has a finance section whose staff members are mainly posted from the Accountant-General's Department. The finance section is responsible for managing the Ministry's finances, payment of salaries, preparation of annual budget, purchase of office equipment and fuel for the Ministry's vehicles etc. The section is headed by a Sub-Accountant who has three (3) other clerks. The sectional head reports to the Solicitor-General.

6.55 **Internal Audit Section**

6.56 There is no Internal Audit Section in the Ministry of Justice although Section 6 (5) of GBAA of 2005 requires all Ministries to establish such sections or units.

6.57 **Registry Section**

6.58 This section keeps custody of the files and other valuable documents of the Ministry. The section has three (3) clerks manning it. The section is sub-divided into the following units:

- **Dispatch** - this is where mails and correspondences from the Professional staff are processed for distribution/dispatch.
- **General Registration** - this is where all incoming mails are processed for action.
- **Archives** - this is where old files are housed for reference purposes

6.59 **Typing Pool Section**

6.60 This section has three (3) clerks who are supervised by the executive officer who is currently providing ancillary services to the Solicitor-General in the absence of a Legal Secretary. This section is primarily responsible for typing of documents from all the professional divisions of the Law Officers' Department. The Executive Officer ensures that work allocated to the staff is performed to the standards required although the typing pool has not got the state of the art equipment. The typing pool mainly relies on manual typewriters for work. Most of the manual type writers are very old and need replacement with modern equipment.

6.61 **Court Section**

6.62 This section is responsible for typing all court documents such as indictments and conveyances which are prepared by the professional staff. The section serves all other divisions in the same way as the typing pool does. There are three (3) clerks in this section who are supervised by the Executive Officer.

6.63 **Library**

6.64 The Ministry has a library to support staff in their work as well as the public for reference purposes. Most of the reference materials and legal authorities on cases are very old and need updating. There are also no organized law reports in local cases. There is a staff member who is in charge of the library.

6.65 The existing Organisation Structure of the Ministry of Justice is shown as **Appendix 5**.

6.66 **WORKING ARRANGEMENTS**

6.67 As the Vote-Controller, the Solicitor-General (SG) supervises the finance section and also approves budgets and procurements. Requisitions are sent to the SG who approves each request on its own merit. The Executive Officer is required to ensure that the support staff provide typing and dispatch services to the professional divisions.

6.68 The MOJ has a six (6) member Budget Committee comprising the Sub-Accountant and three (3) other senior officers with the Solicitor-General as Chairman. This Committee plays a key role in the budget process. The MTEF process for budget planning has been adopted by the Ministry in line with section 23 (b) of the Government Budget and Accountability Act (GBAA).

6.69 However, the Ministry's budgetary allocations are insufficient to meet its needs. As a result the Ministry operates a tight budget which makes it difficult for the provision of modern equipment and other basic logistics such as stationery, and steel cabinets to store documents. The inadequate budget has also affected the maintenance and upgrading of the library. The library therefore does not have current and up-to-date materials to assist the Lawyers in their day-to-day work.

6.70 The Ministry has in line with Part 111 Sections 18 and 19 of the Procurement Act 2004 set up a Procurement Committee comprising five (5) members with the Solicitor-General as Chairman.

6.71 Management and departmental meetings are irregular. However, when management or general meetings are organized, they are normally chaired by the Solicitor-General.

6.72 **Policy Formulation Process**

6.73 There is no policy formulation function at the Ministry because the Ministry's activities are strictly guided by respective Acts of Parliament. Policy issues have been rather problematic since most existing legislations are obsolete. Although attempts have been made to modify some of these Acts, the process has been painfully slow.

6.74 **Relations with other (MDA) Departments /Stakeholders**

6.75 The Ministry has a wide range of contacts with the public, government ministries, departments, agencies, commissions, parastatals etc on daily basis in its service delivery functions as government's firm of lawyers. However, most stakeholders complain that there are undue delays in service delivery by the Ministry.

6.76 Communication with the Public

6.77 Like most other MDAs, the MOJ communicates with its stakeholders and the public through various means. Some of these are the media (both electronic and print), memos, telephones etc. As a Ministry it receives complaints from the public in matters relating to the performance of its functions. The Ministry does not deal with complaints relating to the courts except those that fall within its remit. Complaints relating to the courts are dealt with by the Chief Justice or the Judiciary which are independent institutions. The complaints about the Ministry are generally filed or addressed to the Minister who directs the necessary action to be taken. Feedback is then given to the complainants or the institutions concerned.

6.78 Records Management²

6.79 There is a Registry at the MOJ and a second grade clerk, acting currently as the Staff Superintendent is in charge. The acting staff superintendent and other records staff have never had any formal training in records management.

6.80 There is no policy or set of organizational objectives or guidelines for managing records and information.

6.81 Files generated at the registry are kept in numerical order in steel cabinets for easy identification, retrieval, storage, and against unauthorized access and theft. However, there have been instances where files have gone missing.

6.82 There is no budget line for records management. The registry lacks basic records management procedures or manuals which could bring it in line with current practices in the profession. There are also no intellectual control mechanisms like up-to-date diaries, transit sheet, incoming and outgoing correspondence register, file census registers, personnel and policy index cards etc. Further more the records office has no computers to enable it input the raw data or paper-based records so as to ease storage and retrieval of information.

6.83 Senior managers of the Ministry appear to show very little interest in records keeping practices at the Ministry and therefore there is little support given to the registry.

² This information is taken from “Report on the Records Management Practices at the Attorney General’s Office” submitted by Francis T. Turray, Santigie S. Kamar, Olivia Pratt, Muctarr . Sowa, Alfred K Fornah. The assignment was under taken on 24th July 2006

6.84 **Human Resource Management**

6.85 There is no specialized human resource management or personnel office at the Ministry of Justice. The function is being performed jointly by an Executive Officer and the Solicitor-General who have split the staff categories into two groups. The Executive Officer is responsible for the junior staff and the Solicitor - General is responsible for the senior staff. Both officers have no qualifications or expertise in human resource/ personnel management. The function appears to have a very low esteem or insignificant status in the affairs of the Ministry.

6.86 The core activities carried out in the name of the function are timekeeping (i.e. staff attendance book), monitoring of staff conduct and discipline (whether appropriate or inappropriate), and carrying out annual confidential staff appraisal. The Ministry does not use official forms for annual confidential staff appraisals although it produces the report.

6.87 Personnel records are kept by filing clerks and the executive officer monitors them. The personnel records and files are poorly kept and these most often are misplaced or get lost.

6.88 The Executive Officer performing the human resource/personnel function needs to be trained.

6.89 The total number of staff at post according to the Ministry's comprehensive staff list provided to the MFR Team is seventy-three (73). This number includes all staff members in the provincial headquarters. The staff categories are made up of:

- Twenty-two (22) Professionals (including six Consultants);
- One (1) Sub-Accountant;
- Thirty-three (33) Secretarial & Clerical Staff;
- Seven (7) Messengers;
- Six (6) Drivers and
- Four (4) Cleaners.

Figure 1 is the distribution of staff across disciplines

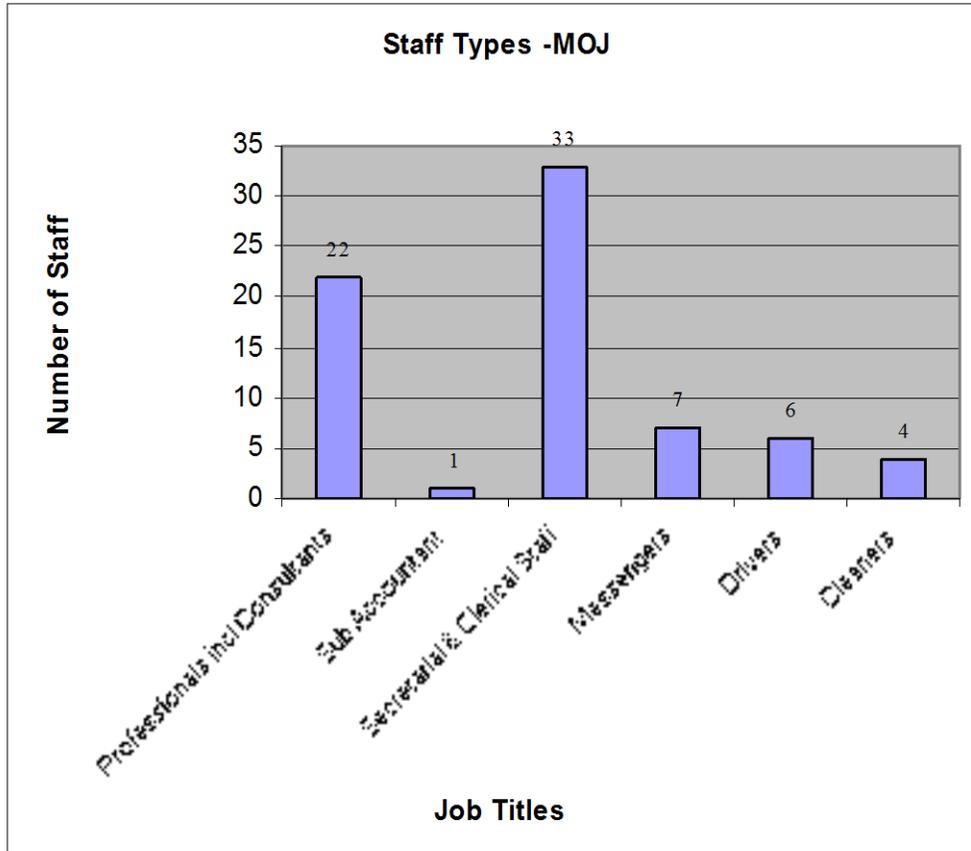


Figure 1 – Distribution of Staff across Disciplines

- 6.90 Presently the ratio of professional staff (Lawyers or State Counsels) to support staff at the Ministry is 1:3. Due to poor salaries and conditions of service the Ministry has not been able to attract the required Lawyers or State Counsels to fill vacancies that are available. There are thirty-two (32) vacancies in the established positions for legal officers or lawyers due to poor attraction to the service. Thus the Ministry is faced with acute shortage of manpower in its professional (Legal) area as the number of cases being handled presently far exceed the capacity of the available lawyers or state counsels.
- 6.91 Presently at the Ministry, there is a lack of capacity in emerging themes particularly those relating to international contracts which must be handled on behalf of the Sierra Leonean Government.
- 6.92 **Appendix 3** is the Ministry’s Current Staff Inventory or List.

6.93 **Regional Offices of MOJ**

6.94 The Ministry is required to establish field offices in the entire provincial headquarter towns and where possible in all the Districts. Presently, the only established outstation office is in Bo where it has its own office accommodation. In the other two provinces, staff members share offices with the Judiciary.

6.95 **Qualifications and Skills Mix**

6.96 The MOJ and its departments are critically short of qualified and experienced staff. All professional staff practicing law should have qualifications in law. Professional staff members presently at post do possess the requisite qualification in law for the job. However, the rest of the staff members only possess a variety of lower certificates, some of which are not directly relevant to the job being performed at the MOJ. The following is a synopsis of staff qualifications:

- Sixteen (16) Professional Law Qualifications
- Four (4) staff members are Diploma holders;
- Two (2) Advanced Secretarial Certificates
- One (1) GCE 'A' Level
- Seven (7) GCE 'O' Level
- One (1) HTC
- Three (3) Civil Service Training Certificate
- Five (5) Ordinary Certificates
- Five (5) Typing Stage 1
- Twenty- One (21) have not declared any.

The data provided above excludes the Consultants who are on contract at the Ministry.

Figure 2 provides a vivid picture of the variety of staff qualifications at the MOJ.

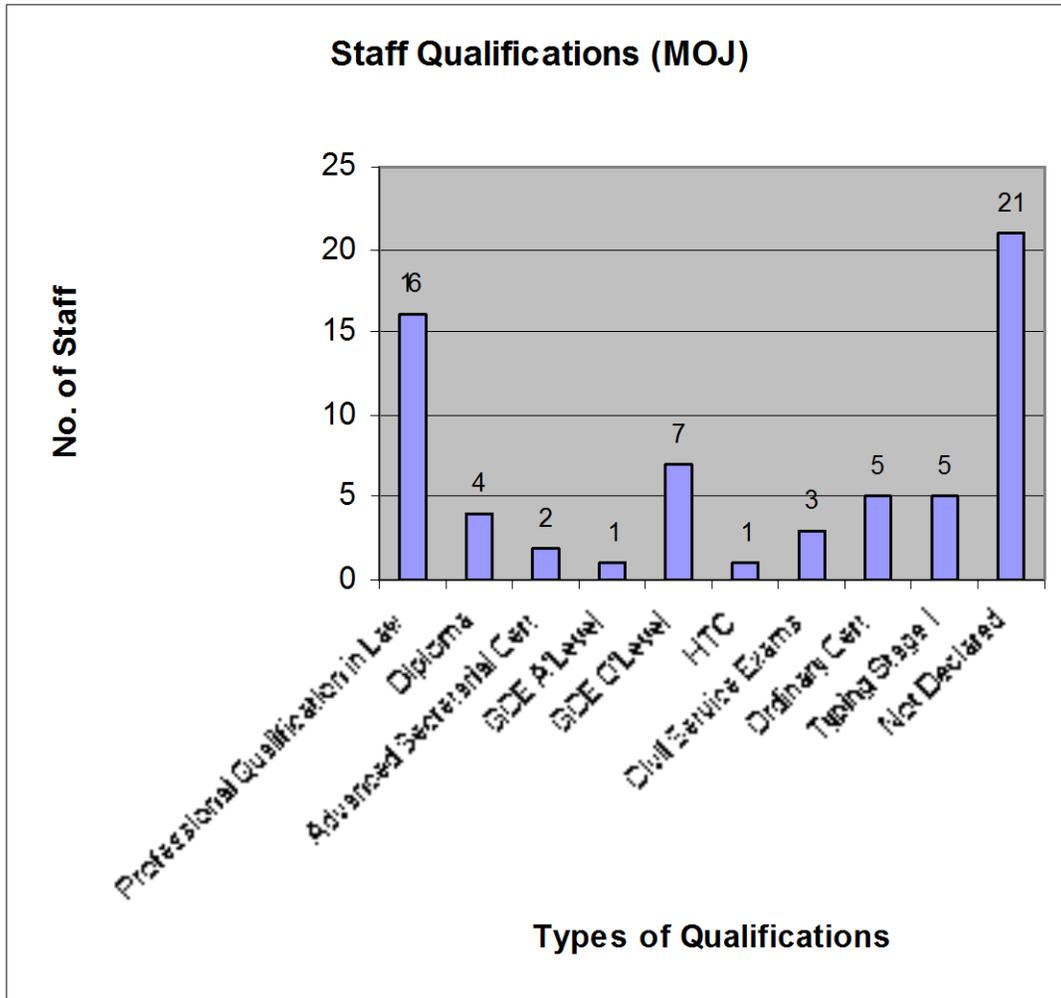


Fig 2: Types of Staff Qualifications (MOJ)³

6.97 **Training Policy**

6.98 The MOJ does not have a training policy or programme. Staff training in the Ministry is on an ad-hoc basis.

6.99 The MFR Team was informed that the Ministry has no career development plans for staff.

6.100 **Scheme of Service**

6.101 The MOJ does not have a scheme of service

³ Source: Ministry’s current staff list

6.102 **Age Profile and Succession Planning**

6.103 Three main categories of staff can be found in the MOJ. These are:

- The professional staff who form the legal cadre
- The technical staff who comprise the administrative officers, senior stenographer secretaries, confidential secretaries, stenographer secretaries, local court supervisors and records officers and
- The clerical and support staff who are mainly clerks of various grades, drivers of various grades, messengers and cleaners.

6.104 **Figure 3** shows the age profiles of the 14 professional staff members (Legal Officers). The ages range between thirty (30) and sixty-one (61) years.

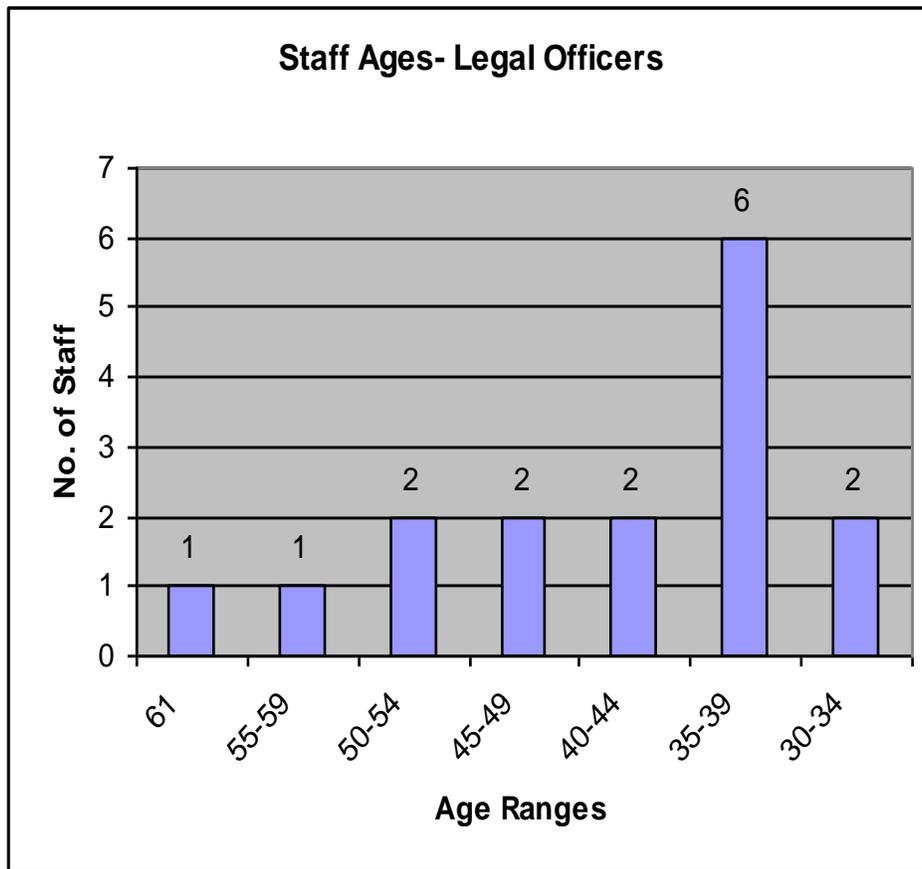


Figure 3 - Age Ranges of Legal Officers

6.105 The normal the age for retirement of public servants is fixed at sixty (60) years. However, Article 65 (7) of the 1991 Constitution of Sierra Leone categorically states that the Solicitor-General “shall vacate his office when he attains the age of sixty-five (65) years”. In the same vein Article 66 (11) of the 1991 Constitution of Sierra Leone states that the Director of Public Prosecutions “shall vacate his

office when he attains the age of sixty-five (65) years”. This is the exception to the rule or policy. For as far as the positions of the SG and the Director of Public Prosecutions are concerned they retire at the age of sixty – five (65) years. The ages depicted in **Figure 3** therefore are appropriate and fall within the band approved under Articles 65 (7) and 66 (11) of the Constitution.

6.106 The age profile of the 13 technical staff ranges between thirty-four (34) and over sixty (60) years.

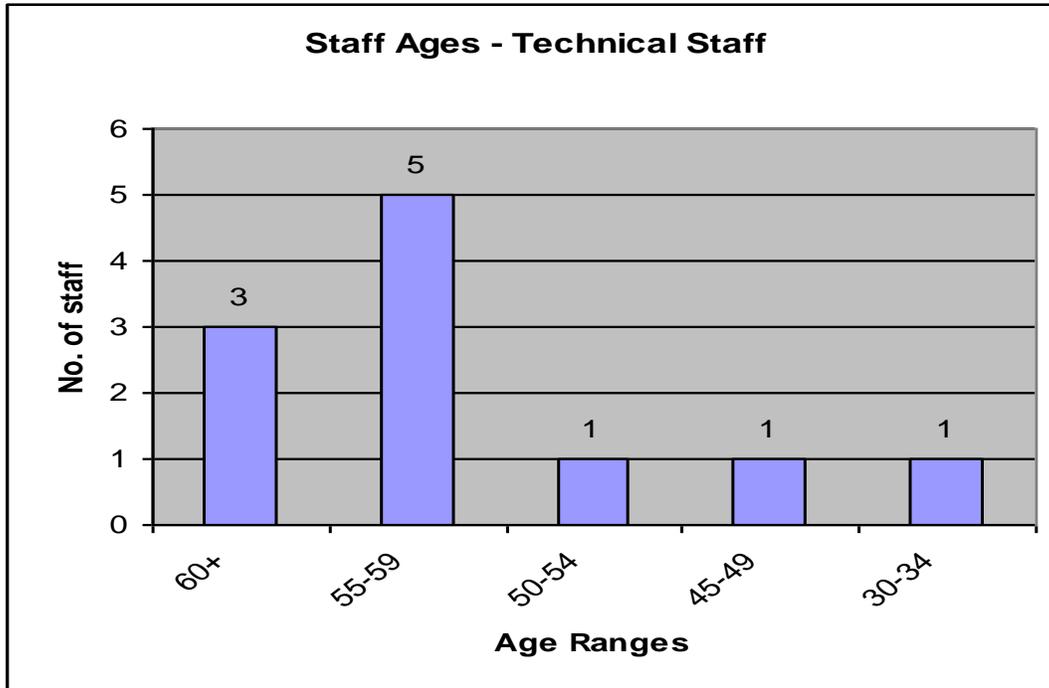


Figure 4 – Staff Ages -Technical Staff (MOJ)

6.107 **Figure 4** shows the ages of existing technical staff: of the MOJ:

- One (1) staff member is between 30 -34 years.
- One (1) between 45-49 years.
- One (1) between 50-54 years.
- Five (5) between 55-59 years.
- Three (3) over sixty (60) years.

6.108 The age profile of the Clerical and Support Staff ranges between 25 and 59 years.

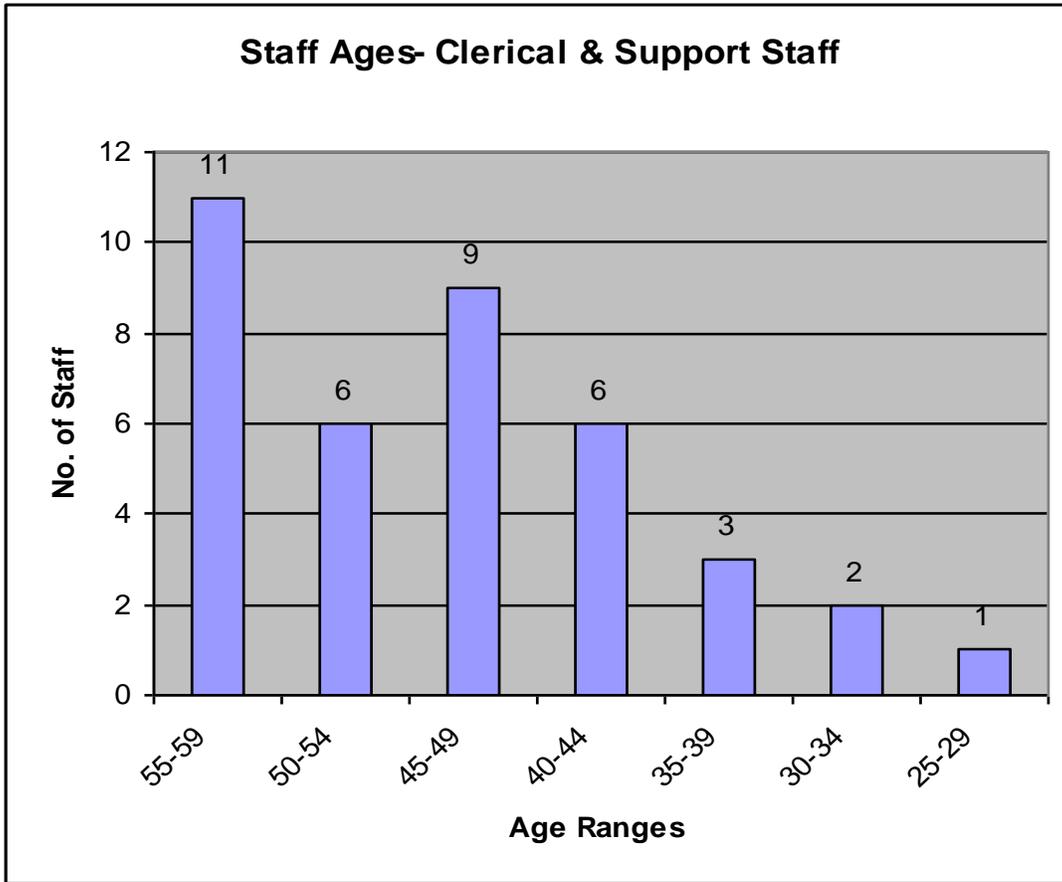


Figure 5 – Clerical & Support Staff (MOJ)

6.109 **Figure 5** provides a graphic picture of the age profile of the 38 staff in the clerical and support staff categories. In particular **Figure 5** shows that:

- One (1) staff is aged between 25-29 years
- Two (2) staff members have ages between 30-34 years.
- Three (3) have ages between 35-39 years.
- Six (6) have ages between 40-44 years
- Nine (9) have ages between 45-49 years
- Six (6) have ages between 50-54 years
- Eleven (11) have ages between 55-59 years

Thus seventeen (17) staff members representing forty-four percent (44%) are between the ages of 50-59 years.

6.110 Succession Plan

6.111 The MFR Team learned that there is no succession plan in place at the Ministry. With the exception of the State Counsels there are 3 staff members who are over

sixty (60) years old and yet at post when they should have been on retirement. There are 12 staff members who are within 5 years of retirement and 12 others who are also over 50. This presents a significant problem for succession planning.

6.112 Equipment/Logistics

6.113 The Equipment and logistics position of the Ministry is poor. There are few computers and printers available. Some equipment is beyond repair and should be disposed of. Some of the existing office equipment have broken down and cannot be repaired due to the very small size of the annual budgetary allocation. As a result of this situation staff rely on rickety and antiquated manual typewriters for work. Quality of work outputs from these machines is low. The Ministry suffers frequent power cuts as a result the computers are hardly used. The frequent and unscheduled power outages experienced at the Ministry has frustrated work flow and performance. The inability to produce good quality work reduces the morale of staff.

6.114 The Ministry has no fax machines and photocopiers. The absence of these have also affected work as staff have to shuttle between private vendors and the office to access such facilities to enable them to perform their work. This is time consuming and has implications for preserving official secrecy and security of documents.

6.115 The Ministry has ten (10) vehicles, six (6) of which were donated by the United Nations Mission in Sierra Leone (UNOMSIL). These vehicles have been distributed as follows:

- Two (2) have been assigned to the Attorney-General and Minister of Justice
- Two (2) to the Solicitor-General
- One (1) to the Director of Public Prosecutions
- One (1) each to the three (3) Regional State Counsels.
- Two (2) are for general use of staff for activities such as attending meetings or other official assignments outside the Ministry and also for the dispatch of correspondence

6.116 Accommodation

6.117 The Ministry of Justice is a tenant of the Guma Valley Water Company (GVWC) and occupies the first, second, third and fifth floors of the building that houses both institutions. GVWC maintains the exterior of the building, and the Ministry maintains the office space it occupies. The office space available to the Ministry is not adequate and the condition of the rooms is poor. Office furnishing is not only poor but also inadequate. For most part the rooms are dark because of frequent power outages and this makes working very difficult and frustrating.

6.118 Office of the Administrator and Registrar-General (AR-G)

- 6.119 Established by Cap 255 of the 1960 of the Laws of Sierra Leone the Administrator and Registrar Department (AR-G) is responsible for the administration of some important laws prominent amongst which is the administration of estate. The department is also one of the oldest legal departments in Sierra Leone dating back to colonial era. The AR-G was initially attached to the Law Courts but was separated from the judiciary and made an autonomous body corporate that can sue and be sued.
- 6.120 During the colonial period and until the promulgation of the 1978 Sierra Leonean Constitution, the Administrator and Registrar - General reported to the Governor-General. The 1978 Sierra Leonean clearly indicated that the AR-G was a separate entity from the Law Officers' Department but at the same time required that the AR-G reported directly to the Solicitor-General. Thus until the advent of the 1991 Sierra Leonean Constitution the AR-G had the Solicitor-General as its head. This relationship with the Solicitor-General has remained the same till present day although there have been a number of significant political changes in Sierra Leone.
- 6.121 With the passage of the 1991 Constitution, the Administrator and Registrar-General now reports directly to the Attorney General and Minister of Justice. The Office of the Administrator and Registrar – General (AR-G) is administratively assigned to the MOJ for political expediency. This is because the AR-G needs to be under the aegis of a Ministry which can provide it with the means through which it can make representation to the Executive including Cabinet, Parliament and the Judiciary. Furthermore, its location within the MOJ significantly consolidates the historical relationship or linkage that had existed between the SG and the AR-G. Indeed, it can be stated that the AR-G is at home and in the right place within the MOJ.
- 6.122 The under listed functions are specifically performed by the Office of the Administrator and Registrar- General:
- Administration of Estates especially intestate estates.
 - Representative of the Department in Court in respect of all matters pertaining to the Administration of Estates
 - Registration of legal and other instruments and documents; trade marks, patents and industrial designs; businesses, companies and related matters; marriages.
 - Management of Bank and Trust Accounts.
 - Gratuities Committee.
- 6.123 The Office of the Administrator and Registrar – General is headed by the Administrator and Registrar General (AR-G), who also doubles as the Administrative and Professional head. The AR-G is directly responsible to the Attorney General and Minister of Justice. The AR-G is assisted by the Deputy

Administrator and Registrar General (DAR-G) and a host of other auxiliary staff. **Figure 6** shows the staff categories at the AR-G.

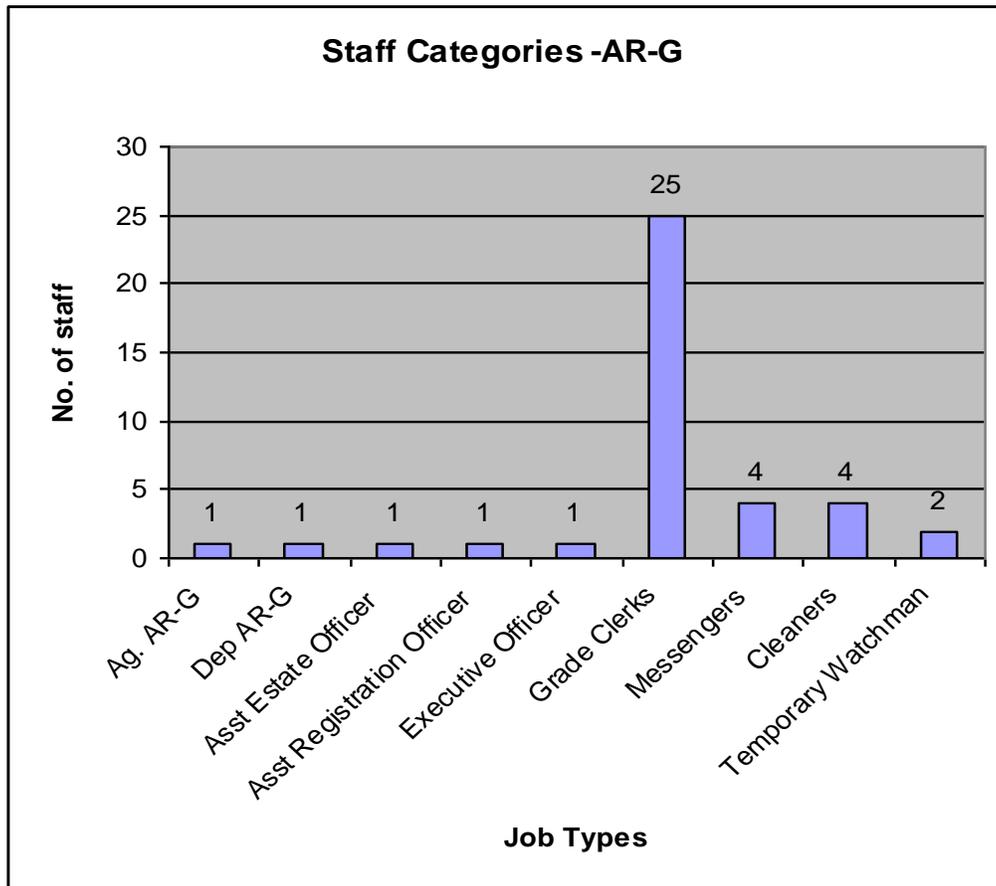


Fig 6- Staff Categories at the AR-G

6.124 AR-G has its own complement of staff outside the mainstream MOJ.

6.125 The Organisation Structure of the AR-G has three (3) main divisions. These are:

- Technical and Professional ;
- Accounts, and
- Administrative and Support.

The current organization structure of the AR-G is shown as **Appendix 5A**

6.126 The technical and professional division is sub-divided into three distinct units namely: Registration, Estate and Trademarks and Patents. The different sections of the department report to the AR-G through the DAR-G on its day to day activities. Cases or matters considered urgent and important are channeled to the Management Committee which comprises of the AR-G, DAR-G and all sectional heads. An executive officer and a staff superintendent assist the AR-G in the day-to-day administration and management of junior staff.

- 6.127 An officer posted from the Accountant General's Department to the Ministry heads the Accounts section. This officer works to the AR-G.
- 6.128 Internal communication at the AR-G is carried out through the use of letters. Generally, letters are delivered at the correspondence section. These are placed in folders for the attention of the AR-G. The AR-G issues the appropriate action to be taken on them.
- 6.129 The AR-G externally communicates with the public through the electronic media particularly the radio. The Office of the AR-G also uses memos, letters, the telephone, publications in the Gazette and newspapers to reach the public and other stake holders.
- 6.130 Generally the AR-G's relationship with other Ministries is fairly good but limited with the Ministry of Lands and Country Planning (MLCP) in particular. The MLCP fails to compliment AR-G's function in areas of registration of title deeds to land (conveyance) and other instruments. The MLCP is unable or fails to submit weekly returns of site plans it has approved to the AR-G for registration. The AR-G is thus unable to verify or ascertain whether site plans submitted to it by applicants for registration have received the required approval of the MLCP. The situation is causing a lot of delays in processing of conveyances at the AR-G. AR-G's efforts to rectify the situation have not yielded the desired results. The work of the AR-G is thus hampered.
- 6.131 **Human Resource Management at the AR-G**
- 6.132 The total staff strength of the AR-G is forty (40). **Appendix 3A** is the current staff list.
- 6.133 The qualification and skills mix of AR-G staff undermines its ability to meet its mandates. With the exception of the Administrator and Registrar General and two professional/ technical staff who have the requisite professional qualifications in law, the rest of the staff members have basic clerical certificates, diplomas in secretarial competencies and diplomas in human resource development. Some do not have any qualifications at all or did not declare any qualification during the data collection exercise by the MFR Team some 33% a significant proportion have no qualifications. **Figure 7** shows the qualification mix at the AR-G.

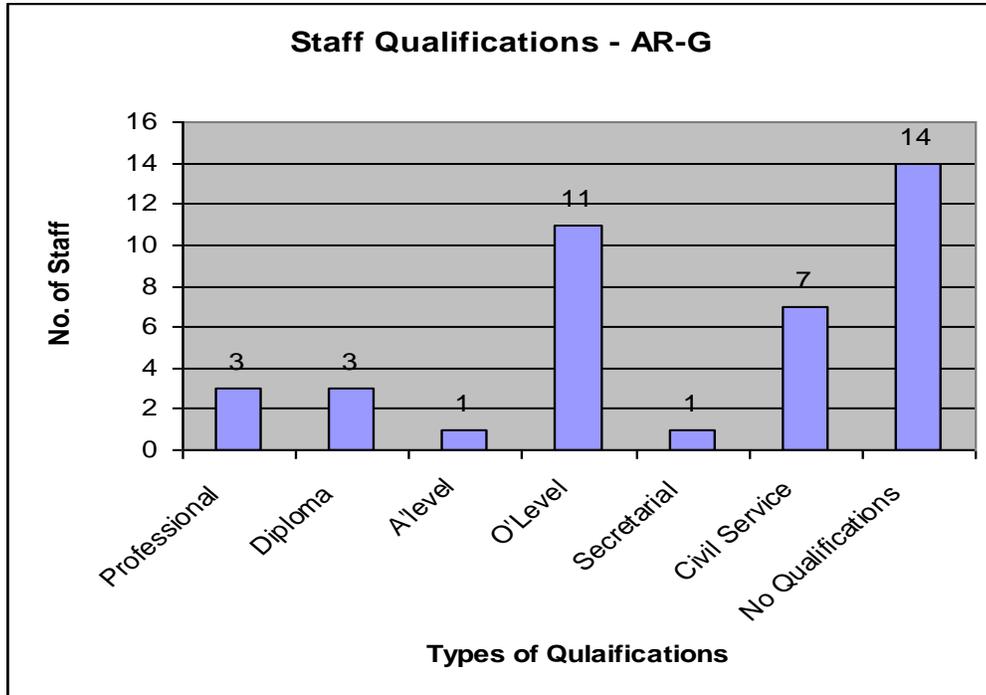


Figure 7 – Staff Qualifications at the AR-G

6.134 The age profile of the AR-G ranges between thirty (30) years and over sixty (60) years. **Figure 8** illustrates the age profile of staff at the AR-G.

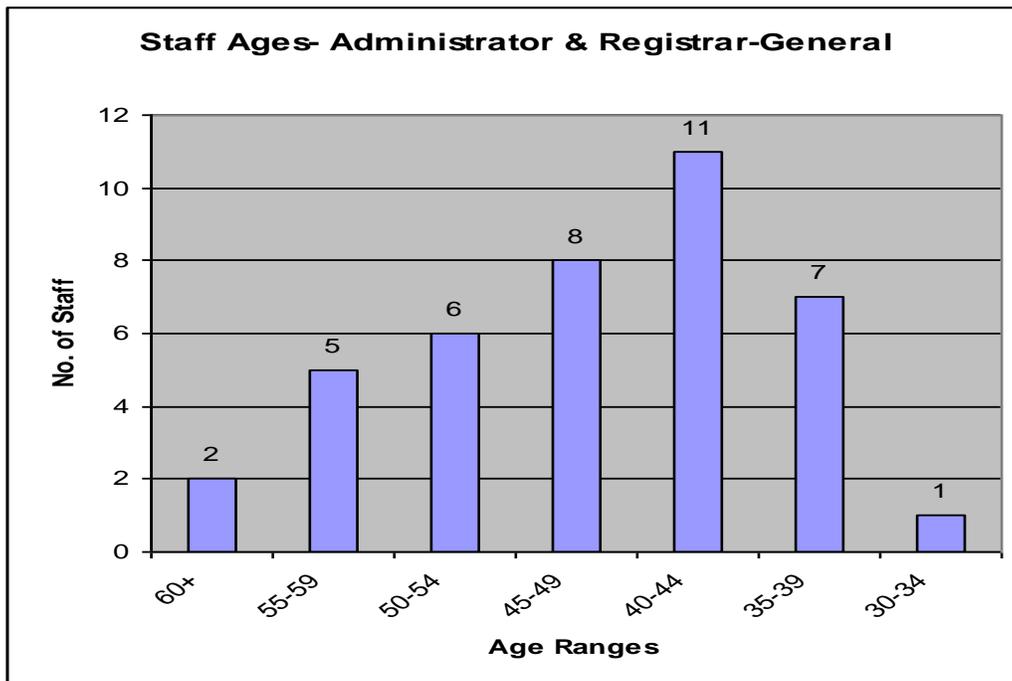


Figure 8- Staff Ages (AR-G)

6.135 **Figure 8** indicates about sixty-eight percent (68%) of the staff that at the AR-G are aged between 30 and 49 years. This is an indication that there is potential for succession and development of young staff.

6.136 **External and Internal Training Programmes at the AR-G Office**

6.137 The AR-G has both external and internal training programmes in place. External training programmes are more frequent in the Trademarks and Patent section. This is because these programmes are sponsored by the World Intellectual Property Organization (WIPO) and the African Regional Property Organization (ARPO).

6.138 Internally however, training programmes are presently being undertaken in the area of computer literacy even though the training budget is too meager to support a larger number of staff members. Assistance has been sought from DFID under the Justice Sector Development Project (JSDP) to train the entire AR-G staff.

6.139 **Office Equipment**

6.140 Office equipment in the AR-G is grossly inadequate. There is paucity of essential equipment such as computers, printers, internet, fax machines and photocopiers etc. to carry out both its core and non-core functions. The very few computers and printers that are available are very obsolete and break down most frequently. Recently however, DFID has donated a 30 KVA generator to the AR-G to augment the equipment needs and this has been installed to provide regular power to the office.

6.141 The AR-G operates on a very tight budget and this makes it difficult for it to procure modern equipment and other basic logistics like stationery, steel cabinets to store documents etc. Even though the AR-G generates income for Government, budget allocation to it by GOSL is low compared with the revenue it generates. The consequence is that the AR-G is less effective and partly non-functional in its service delivery.

6.142 **Record Keeping**

6.143 The AR-G record keeping and filing systems is rather weak and records are not computerized and searches for records have to be done manually. This is inefficient and causes a lot of unnecessary delays.

6.144 **Office Accommodation, Location and Security**

6.145 Cap 255 Section 4 states that the office of the AR-G should be based or located in Freetown. The AR-G has slated some of its functions for decentralization. These are celebration and registration of civil marriages, administration of estates and gratuities. The decentralisation of these functions are in line with Government

policy which is reinforced by Section 26 of the Local Government Act 2004 which states "...Without prejudice to Section 20 which focuses on the 'Functions of Local Councils and Councillors', a Government Ministry may delegate to a local council such of its functions as it may think fit."

6.146 The office is gravely exposed to invasion by hawkers who trade or ply their goods in and out of the building with a high degree of indifference amongst staff and management to this intrusion. This poses a threat to inappropriate access to assets and official and legal information.

6.147 The Law Reform Commission (LRC)

6.148 The LRC is composed of a chairman and six (6) other members. The membership is as follows:

- A Chairman who is a person qualified to hold the highest judicial office in Sierra Leone
- A Judge of the Superior Court of Judicature nominated by the Chief Justice
- A representative of the Attorney-General and Minister of Justice
- Two (2) representatives of the Sierra Leone Bar Association
- The Director of the Sierra Leone Law School and
- A representative of the Faculty of Law, University of Sierra Leone

6.149 Paragraph 3 (3) of the Law Reform Commission Decree, 1994 (NPRC Decree 17) states explicitly that "... members of the Commission shall be appointed by Government on such terms and conditions as may be contained in the letters of appointment". The specific terms and conditions for appointment have not been stated or disclosed.

6.150 Members of the Commission hold office for three (3) years and after that are eligible for re-appointment. The chairman or any member of the commission may by writing addressed to the Attorney-General and Minister of Justice resign his office and may for good cause be removed from office by the appointing authority.

6.151 The under listed functions are performed by the Law Reform Commission:

- Keep under review all laws both statutory and otherwise, from time to time in force in Sierra Leone for the purpose of their reform, development, consolidation and codification;
- Prepare and submit to the Attorney-General and Minister of Justice recommendations for:
 - Eliminating anomalies and other defects in any branch of law;
 - Repealing obsolete and outdated enactments;
 - Consolidating enactments; and
 - Generally, developing, modernizing and bringing the law up to date.

- 6.152 In carrying out its activities, the commission may co-opt any person to advise it on any matter before it but such co-opted person shall not vote on any matter for decision by the commission.
- 6.153 The LRC has power to appoint committees consisting of members and non-members of the commission to study in detail and make recommendations to it on any legal field of study in which such persons may have specialized or expert knowledge.
- 6.154 The LRC meets to dispatch business at such time and place as the chairman determines. Quorum for a meeting of the commission is five (5).
- 6.155 Decisions of the commission are taken by a simple majority of members present and voting and in the event of equality of votes the chairman has a casting vote.
- 6.156 There is a secretariat of the commission which has a secretary and other employees, all appointed by the commission on such terms and conditions as the commission determines.
- 6.157 The secretary of the commission is required by law to be a legal practitioner who has been entitled to practice as a barrister and solicitor for a period of not less than five (5) years. The secretary is responsible for the day-to-day administration of the affairs of the commission; records minutes of meetings of the commission; oversees the work of other persons employed by the commission and perform such other duties as the commission directs.
- 6.158 Government provides funds that are required for the running of the commission and the commission is required to keep proper accounts and proper records in relation to its accounts.
- 6.159 The accounts of the commission are audited annually by the auditor-general or an independent auditor appointed by the commission with the Auditor-General's approval.
- 6.160 The commission is required to submit to the Attorney-General and Minister of Justice within three (3) months after the end of each year a report on its activities during the preceding year. Thereafter the Attorney-General presents the report of the commission together with any comments he may make to Government.

7.0 ANALYSIS AND RECOMMENDATIONS

7.01 Statutory Framework/Mandate

7.02 To all intents and purposes, the Ministry of Justice is classified as one of the most important institutions in Sierra Leone. It is also one of the many institutions whose primary goal is to promote good governance through the initiation of government judicial policies. The Ministry therefore serves as a centre for the formulation of judicial policies. Against this background, a thorough assessment of the plethora of laws, regulations and decrees that provide the statutory framework of the Ministry, shows that they provide the necessary legal regime/framework for effective dispensation of justice as well as the fulfillment of its remit. However, some of these statutes need to be reviewed given the spate of recent events in Sierra Leone such as war crimes (especially crimes against humanity), cross border conflicts, upsurge of international terrorism and cyber crimes etc. The scope of some of these laws that relate to the work of Ministry's priorities also appears narrow and does not either cover these recent events or focus on them. Again some of the laws and regulations have been in the statute books for many years and may have become ineffectual. As a result they do not effectively meet the present needs and thus require reviewing and updating. This observation was confirmed in the Horizontal Review Report by the Solicitor - General's Office which reported that there had been no general revision of the laws of Sierra Leone since the 1960 index.

7.03 While it is not necessarily true that because an Act is old, it is no longer relevant, in most cases an old legislations become outdated, and therefore no longer provide an institution with appropriate statutory frameworks. Generally, the effect of old legislation is that institutions, private and public, have been adapting to changing needs by altering regulations, resulting in increasing gaps between Acts and Regulations.

7.04 The MFR Team believes that the review of obsolete laws and regulations by the MOJ should not be carried out in isolation. It should be done in its totality or should be an all embracing activity for all Ministries in Sierra Leone. This is because reviewing, revising and updating of Acts, Regulations and laws fall within the remit of the MOJ. Hence all the laws and regulations especially those that relate to the work of the MOJ's priorities in particular and other ministries in general that are inhibitions to the progress of Sierra Leone should be reviewed accordingly.

7.05 **We recommend** the review and updating of all obsolete laws, regulations and decrees relating to the work of the MOJ's priorities in particular and other Ministries in general to make them relevant to the needs of Sierra Leone.

7.06 **Vision**

7.07 A vision is the dream or an ideal state which the organization continuously strives to attain and is the purpose or reason for which the organisation exists. A vision statement expresses what the organisation wants to accomplish in future and for which all available resources will be used. . A vision therefore connects the present with aspirations for the future.

7.08 The MFR Team noted that the MOJ presently has not crafted a vision and it does not provide any clue as to its future state. It is therefore important that the Ministry should craft a unique vision that encapsulates its mission and function.

7.09 **We therefore recommend** that the Ministry crafts a vision that would capture its aspirations for its future state. The MFR Team is available to assist the Ministry in crafting an appropriate vision.

7.10 **Mission**

7.11 The MOJ has provided two mission statements and our assessment revealed that they would not be able to drive the MOJ forward in accomplishing its mandate.

7.12 After reviewing the two missions statements, **we recommend** the following mission statement for consideration by the Ministry:

The Ministry of Justice exists to ensure administration of justice, rule of law and human rights, enhancement of accessibility to the legal process, protection of legal interest of the state, and prompt and efficient delivery of justice through formulation of policies, coordination, monitoring and evaluation and provision of legal services.

7.13 **Functions**

7.14 The functions of the Ministry as listed in the gazette are comprehensive. As noted in the Horizontal Review Report, the Ministry of Justice (MOJ) has few areas of overlapping functions with some other Ministries. Details of these function overlaps have been provided in **paragraph 6.23**. These overlaps need to be streamlined to avoid unnecessary duplication of effort, waste of time and scarce resource and confusion over the right location of the function.

7.15 **We recommend** that the MOJ initiates action towards rectifying the identified functional discrepancies among the various Ministries as these can be addressed without difficulty by the various Ministries themselves.

7.16 We analyzed and reviewed the functions against the allocation of ministerial responsibilities as expressed in the Government Gazette. Over and above these functions, we also focused on the new or future functions of the MOJ and how

these functions could be performed. The relevant but missing functions we identified are policy formulation, monitoring and evaluation and research.

- 7.17 A new function we recommend for consideration by the Ministry is alternative dispute resolution. In our interactions with staff of the Ministry we were informed about the backlog of cases at the courts and the delays in delivery of justice due to inadequate number of lawyers at the Ministry. At the time the MFR team visited the Ministry, the vacancies for professional staff (Legal Officers) was thirty – two (32). Our recommendations on staffing will be made in later sections of this report. In the mean time we are of the view **and recommend** that the use of alternative dispute resolution methods will promote quick dispensation of justice and help reduce the pressure on staff as well as the volume of backlog of cases.
- 7.18 **We recommend** that the following functions should be taken up by the Ministry. These are policy formulation, monitoring and evaluation, research, alternative dispute resolution and publication of law reports.
- 7.19 **We recommend** the establishment of a Council for Law Reporting to publish law reports. We have added this Unit or department to the proposed organization structure of the MOJ.
- 7.20 **Organisational Structure**
- 7.21 The existing organisational structure is based on the functions contained in the gazette rather than on the expected outputs/deliverables. The structure has left out policy formulation, monitoring and evaluation, research, legislative and parliamentary drafting. Internal Audit, Legal Secretary, Public Information Unit, Office of the Administrator and Registrar-General and Ministerial Advisory Board have also not been catered for in the structure. We consider these functions or activities important and their omissions from the structure as serious and therefore, **recommend** that they be included.
- 7.22 In the re-design of the organisational structure the following factors were considered:
- Need for compactness to ensure effective supervision and enforcement of accountabilities.
 - Efficiency and cost effectiveness – the structure to be determined by outputs which in turn will generate and relate staff to specific tasks so as to avoid underutilization of staff/manpower.
 - Ensuring homogeneous grouping of functions to provide logical execution of functions, effective supervision and co-ordination.
 - Distinction between core and non-core functions – core functions accorded more prominence over non-core functions

- 7.23 In crafting the proposed organisation structure, we also took into consideration Government’s SES policy of one professional and administrative head in a Ministry. This policy applies also to MOJ. Furthermore, we were guided by the recommended ‘Architecture of Government Review’ blueprint which condenses the present system into realistic number of relevant Directorates.
- 7.24 Based on the above criteria, **we recommend** the adoption of the horizontal review report proposed architecture of government blueprint for a Ministry. The organizational structure in **Appendix 6** encapsulates the components of the Horizontal Review report proposed architecture of Government.
- 7.25 **We recommend** that the Ministry should move to a structure based on an integrated directorate format to cover:
- Policy Development and Strategic Planning
 - Constitutional & International Law
 - Customary Law/Alternative Disputes Resolution
 - Civil and Commercial
 - Legislative Drafting
 - Parliamentary Drafting
 - Public Prosecutions
 - Provincial Offices
 - Human Resource/Administration and Finance
- 7.26 This format is based on the specialised and unique nature of the ministry and the mandate assigned to it.
- 7.27 **Internal Audit Department**
- 7.28 We noted that there is no Internal Audit Department within the Ministry. This is surprising because all ministries are required to establish it for the purpose of ensuring accountability. This situation undermines proper financial management and goes contrary to the GBAA 2005 Section 6 (5)
- 7.29 We have noted that there is a DFID-Funded project through PKF⁴International Ltd in building capacity within the OAG through training and joint audits with PKF. This project we have learned includes components to strengthen MDA internal audits.
- 7.30 **We recommend** that MOJ discuss with the OAG in order to build capacity for the staff of the yet-to-be established Internal Audit Department to the minimum acceptable level of performance.
- 7.31 **We recommend** that an Internal Audit Department is created to operate in compliance with Section 6 (2) which states that “the Minister may require any

⁴ PKF =Parnell Kerr Forster Accountancy

vote controller to establish or maintain an internal audit division or other unit in the budgetary agency under him, and such division or unit shall be responsible to the Minister responsible for the budgetary agency “and Section (5) of GBAA 2005 which states that “the Internal Audit Department within the Ministry ... shall, ordinarily, report to the vote controller but shall be made to the Minister in any matter concerned with the management of internal controls by the vote controller.”⁵

7.32 **Working Arrangements**

7.33 The absence of a senior officer to handle supplies and logistics has resulted in the Solicitor General being saddled with issuing of stationery and distribution of fuel. This obviously is overburdening and irregular. The focus on stationery and distribution of fuel also detracts and wastes the time of the Solicitor-General which could be used for important and essential functions. The Solicitor General’s role at the Ministry is of major importance that he should not be involved in minor administrative duties. These duties should be assigned to a junior subordinate officer within the administrative support staff.

7.34 **We therefore, recommend** that this function/activity should be performed by the head of human resource/administration or one of their staff accountable to the Solicitor General.

7.35 We noted that management meetings are irregular. Regular management meetings ensure that problems are discussed, views expressed and consensus reached. Major decisions relating to policy and other strategic issues are also taken at such meetings. The value of such meetings cannot be taken for granted.

7.36 **We therefore recommend** that management meetings should feature prominently and on regular basis in the scheme of work of the Ministry. The Ministry should fix dates and times for such meetings and ensure that the meetings are held.

7.37 **Relationship with the Public**

7.38 Presently there is no system in place for consulting the public on policies of the Ministry or for receiving complaints from the public. Assessing impact of policies and being aware of complaints from the public as well as receiving feedback on issues will assist in the efficient and effective service delivery by the Ministry. We accordingly propose that a system/mechanism be put in place for consulting the public to assess impact of policies and for receiving complaints.

7.39 **We recommend** that the Ministry establishes a public information unit to deal with matters from the public and other stakeholders. The information unit could also publish information in ‘flyers’ and other types of information leaflets etc. on

⁵ The Government Budgeting and Accountability Act 2005

the activities and services provided by the Ministry as well as generate answers for most frequently asked questions (FAQ) for public consumption.

7.40 **Human Resource Management**

7.41 **We recommend** that the Ministry should seek assistance from the ESO/HRMO to restructure, reorganize and revamp the personnel function and transform it in future into a Human Resource Management and Development (HRMD) unit to meet its needs.

7.42 **We recommend** that the HRMO should keep custody of all duplicates of personnel records as part of the central information unit.

7.43 **We recommend** that the HRMD unit will adhere to central policy guidelines on access and management of personnel records.

7.44 We are aware that the MOJ is presently facing acute staffing problem particularly with the recruitment and retention of legal officers. We noted that all the existing divisions within the Ministry do not have the requisite complement of staff and therefore the existing staff are over loaded and stressed. There are presently thirty-two (32) vacancies for legal officers in the MOJ. This number is part of the overall manpower level or the establishment for all grades of legal officers or state counsels at the MOJ. This establishment or manpower level has been based on the fact that there is the need for migration from the centre (MOJ proper or headquarters) to the districts and provinces. Recruitment of additional legal staff would facilitate this process and strengthen the provincial and district offices in the discharge of the MOJ's mandate.

7.45 **We recommend** the recruitment of additional legal staff or state counsels for the MOJ.

7.46 We believe that in order to resolve the problem of recruitment and retention of legal officers there is the need for an incentive scheme to be instituted to attract new lawyers to the MOJ.

7.47 Again we believe that there is the need to negotiate new conditions of service which has been long overdue for the MOJ to attract lawyers or legal officers. This view is supported by the fact that the Special Court for Sierra Leone which was established recently in an advert published in "The Exclusive"⁶, a tabloid had offered one thousand United States dollars (US\$1000) per month for recruitment of Sierra Leonean lawyers to '... contribute to the work of the Special Court... The minimum qualifications for applicants are first level degree in law, admission as a legal practitioner in Sierra Leone and at least two years professional

⁶ Source: The Exclusive, Vol 1 No. dated March 5, 2007 page 4 published by the Exclusive Newspaper, 26 Garrison Street, Freetown

- experience in the field of law...’ This offer is attractive enough to affect the present staffing level at the MOJ.
- 7.48 Given this situation and the fact that the MOJ and other institutions are competing for legal officers of all grades or standing, the contest has become intensive and the ability to offer attractive conditions of service based on the principles of demand and supply cannot be discounted.
- 7.49 Based on the foregoing assertions **we recommend** the institution of an incentive scheme and the negotiation of new conditions of service for the MOJ in order to attract and retain legal officers.
- 7.50 Again it was noted by the MFR Team that some critical technical competences are also lacking e.g. legislative and parliamentary drafting. Portfolios for these technical areas are presently being handled by Consultants working with the Ministry.
- 7.51 **We recommend** the institution of training programmes and discussions with educational authorities on mechanisms to address the competency gaps within the professional cadre. In particular the training should concentrate on key areas inclusive of legislative and parliamentary drafting and alternative dispute resolution. While we concede that this could take some time, the Ministry could put in place transitional arrangements through capacity building where existing staff members who would be due for retirement would transfer skills to new entrants.
- 7.52 **Scheme of Service**
- 7.53 The Ministry has no Scheme of Service in place.
- 7.54 **We recommend** that the Ministry should seek assistance from the ESO/HRMO and the Justice Sector Development Programme (JSDP) in preparing a Scheme of Service to meet the needs of the Ministry
- 7.55 **Succession Plan**
- 7.56 The Ministry has no succession plan in place
- 7.57 **We recommend** that the Ministry seek assistance from the ESO/HRMO to prepare a succession plan.
- 7.58 We noted that some staff members among the technical, clerical and support staff have reached their retirement age.
- 7.59 **We recommend** the retirement of all the technical, clerical and support staff members who have reached the statutory retirement age.

7.60 **We recommend** that the Ministry takes immediate action with the assistance of the ESO/HRMO in recruiting or promoting suitable staff to fill positions vacated by these retirees.

7.61 **Staff Training and Development**

7.62 The Ministry has no training policy or programme in place. Staff training is organized on ad-hoc basis. This is not good enough and the situation must not be allowed to continue. The importance of staff training and development cannot be understated given the pace at which technology is influencing and dictating the pace of change and need for new skills.

7.63 **We therefore recommend** that the Ministry should seek assistance from the ESO/HRMO to prepare a training policy and plan.

7.64 **Records Management**

7.65 Records management at the MOJ is poor. There is the need to pay more attention to records management at the Ministry.

7.66 **We recommend** that the registry and records keeping systems of the Ministry be reorganized with the assistance of the Records Management Team.

7.67 **We recommend** that senior management demonstrate interest in the records management function to galvanise staff interest in this area and seek improvements in record keeping.

7.68 **Equipment/Logistics**

7.69 The Equipment and logistics situation of the Ministry is pathetic. The few computers available are obsolete and the manual and electronic typewriters available are antiquated. There are no fax machines and photocopiers at the Ministry. Filing cabinets are inadequate to store documents. The library does not have up-to-date materials/publications to assist the lawyers in their work. Staff members of the Ministry work under very trying conditions. In sum, the Ministry lacks basic equipment for effective work.

7.70 The MFR Team noted that budgetary allocations are grossly inadequate and therefore the Ministry is unable to satisfactorily provide for its critical needs.

7.71 We have also noted that as part of the current Justice Sector Development Project there are funds available to address the essential equipment needs of the MOJ.

- 7.72 **We recommend** that basic equipment and logistics like computers, filing cabinets, typewriters, law books and Reports, furniture, stationery and vehicles should be provided to the Ministry because of its importance and strategic role it plays in the delivery of justice.
- 7.73 **We recommend** that the Ministry discuss with JSDP guidelines for accessing essential equipment facility.
- 7.74 **Accommodation**
- 7.75 The Ministry is a tenant of Guma Valley Water Company. Lighting in the building and the offices is so poor that staff and visitors find it difficult to move around the building or to have adequate illumination to be able to work effectively. . Office furnishings are also very poor. This situation not only affects morale but undermines staff dignity and does not facilitate efficient and effective performance of staff.
- 7.76 **We therefore recommend** that the lighting situation be improved and adequate furniture be provided. There is a need for adequate accommodation to be established in all the provincial headquarters. The MoJ should also discuss any upgrading and refurbishment of the building which is clearly the responsibility of the landlord (GVWC) and obtain an agreement on immediate action to effect the work required.

8.0 **INSTITUTIONAL ARRANGEMENTS FOR MANAGING CHANGE AND CHANGE PROCESSES.**

- 8.01 At present there is no apparent Change Management Team and strategy for change in place at the MOJ. Given that the Ministry is poised for fundamental alterations to its operations **we recommend** that the Solicitor-General leads a team of reform-minded staff from a range of grades in MOJ who would lead and oversee changes and performance improvements. The team should, if possible, receive training in change management techniques and project management processes. The Governance Reform Secretariat, stands poised to assist MOJ with ongoing advice on implementation issues.
- 8.02 The next step is for the Ministry to widely circulate this Report and facilitate, through the proposed Change Management Team, a collective response to the Report's recommendations. The Ministry of Justice is asked to then prepare a strategy or position paper for submission to the Governance Reform Secretariat. The Steering Committee on Good Governance will then be convened to consider the Ministry's response, and agree with MOJ on amendment(s) and final approval of recommendations to go forward to Cabinet for ratification for implementation.
- 8.03 **We recommend** that the Ministry circulate this Report and facilitate, through the proposed Change Management Team, a collective response to the Report's recommendations.

APPENDIX 1 – COPY OF QUESTIONNAIRE

Management and Functional Reviews Governance Reform Secretariat /Public Administration International 2005- 2008

I. JOB ANALYSIS QUESTIONNAIRE

Please complete this questionnaire to give a clear description of your role and duties as agreed by your supervisor and reflected in your daily activities. This will assist the review team in their interviews If you need advice on completion please contact

1. ORGANISATIONAL DETAILS

Department/Division/Section:

Job Title:

Direct Supervisor:

2. YOUR POSITION IN THE ORGANISATION

Draw a simple chart indicating clearly where your position fits in the organization.

3. JOB PURPOSE

Describe briefly (one or two sentences) the overall purpose of your job.

To

To

To

4. MAIN DUTIES

List your main duties in order of importance, and estimate the percentage of time spent on each of these duties (The percentages should total 100% e.g. 1 whole day is 20%)

<p style="text-align: center;">A. DUTY in order of importance</p>	<p style="text-align: center;">PERCENTAGE OF TIME</p>
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

5. DECISION MAKING

Show the nature of your contribution to Decision-Making at a higher level. Give examples.

I contribute to -----

I advise the

I make decisions on

6. STATE THE TYPE OF KNOWLEDGE, SKILLS AND EXPERIENCE REQUIRED TO DO THIS JOB

Basic Qualification Required.....

Experience needed

Please complete the table as fully as you can to indicate what skills are needed so training requirements can be assessed. Add any that are not listed which are relevant

B. C. Skill/Attribute	Not Required N	Required Level of Competence to do the job effectively			Your own level of competence
		Basic B	Inter- mediate I	Advanced A	What level are you
Statistical					
Analytical					
Computers and IT Skills					
Use of IT software Word/Excel/Powerpoint/Email					
Drafting Skills (English)					
Communications (written)					
“ (spoken)					
Interviewing					
Negotiating/Mediating					
II. Presentations					
Managing Staff					
Motivating Others					
Self motivation					
Leadership					
Organise own work					
Plan and organize the work of others					
Planning projects/ programmes					
Team working					
Resource management					
Objective Judgment					
Strategic thinking					
Response to change					
Innovation and Creativity					
Training Skills					
Policy Analysis and Formulation					
Financial Management for Non Finance Staff					
Insert any others you think appropriate					

7 CONTACTS and REPRESENTATION

Who are the main people you have contact with in your job give their level and the type of contact. (E.g. internal, external public, exchange of information, negotiation, representation of your department etc.) and the frequency (e.g. daily, weekly, monthly, annually). Give examples.

A. PERSONS OR TYPES OF ORGANISATION CONTACTED	REASON (type of contact)	FREQUENCY (daily, weekly, monthly, annually)

8. RESOURCES

What resources are you responsible for?

Type	Number / Quantity/ Amount	Grade or Position	Comments
Staff Direct			
Staff Indirect			
Budget			
Other (Specify) E,g Transport Computers, Equipment			

JOB HOLDERS NAME:

SIGNED:

Thank you for your assistance. If there is anything further you wish to draw to the Review Teams attention, add a comment on the back page. Please return the form to

.....

9 ADDITIONAL INFORMATION

**MANAGEMENT AND FUNCTIONAL REVIEWS OF
GOVERNEMENT OF SIERRA LEONE MINISTRIES
QUESTIONNAIRE**

The purpose of this questionnaire is to determine the nature of the overall strategy and structure of the ministry / department/ division/ agency/ unit to enable the MFR team to identify key issues and determine the approach to further research and interview. Please complete questions as thoroughly as possible. A member of the team will be available to answer questions and assist as necessary. Call 022-221566 or 221931

(Name of contact

MINISTRY:.....

...

NAME OF POST HOLDER:

.....

DEPT/ DIV/ AGENCY/ UNIT:

.....

JOB

TITLE:.....

LOCATION:

.....

DATE: TEL (MOB/ LAND):

.....

Please answer the following questions as comprehensively as possible. If there is insufficient space to answer fully any question, please record your name and relevant additional comments on page 4 or on a separate sheet of paper and attach it with you name and number.

SECTION A: LEGAL FRAMEWORK, MANDATE, MISSION AND VISION

1. Please provide a copy of the legal instrument or any document(s) relevant to the formation of your ministry/department/agency

2. Please state the following clearly (in writing) in relation to the ministry

Mandate:

Mission:

Vision:

3. If you are an agency, department, division or unit, provide your specific mandate/purpose as it relates to the achievement of the Ministry's overall mandate (Add additional sheets if necessary)

SECTION B: FUNCTIONS

4. Please list the main functions of the ministry/ department/ division/ agency/ unit for which you are responsible. These are the key activities that are undertaken which deliver the mandate. (Add additional sheets if necessary)

a. _____

b. _____

c. _____

d. _____

e. _____

f. _____

g. _____

5. To improve efficiency and effectiveness, which of functions recorded at 4. above could be:

Expanded _____

Outsourced _____

Decentralised _____

Privatised _____

Commercialised _____

Stopped _____

6. a. How is work organised, distributed, coordinated and monitored?

6.b. Describe your work processes and procedures

7 Please state any operational problem(s) encountered in carrying out these functions.

8 How could procedures, processes and systems be improved to deal with these problems and improve efficiency and effectiveness in the performance of duties and service delivery?

9. Which are the other ministries/ departments/ divisions/ agencies/ units with which you collaborate in the performance of functions? What, if any difficulties do you experience (including overlaps or duplications of effort).

10. State any functions which are planned for decentralisation?

11. What donor funded programmes or projects are you responsible for? (Add additional sheets if necessary)

Donor	Programme/Project	Role	Budget

SECTION C: ORGANISATION/ OPERATIONAL STRUCTURE

12. Please provide us with an organisational structure (diagram that presents lines of authority and reporting) for your ministry / agency / department / division / unit.

13. Do you/or the ministry/division operate from more than one office? Yes _____
No _____

Where are they located?

14. Will any of the offices be affected by decentralisation? How?

SECTION D: STAFFING

15.a. Please provide information on which staffs are to be affected by decentralisation

15.b. Please state any factors/interventions which would lead to staff reduction or redeployment

SECTION E: COMMUNICATION

16.. What are the modes / methods of communication between your ministry/
department/ division/ agency/ unit and the following:

a. Staff:

b. Departments:

c. Provincial offices:

d. Public:

e. Other MDAs:

17. How does the public communicate their interest and/or concerns to your ministry / department / agency / division / unit?

18. How can communications be improved to increase customer service and satisfaction and be more effective:

a. Internally

b. With other MDAs

c. With the public

SECTION F: EQUIPMENT

19. Please provide the list and status of equipment considered essential for the effective delivery of your mandate? (Add additional sheets if necessary).

Essential Equipment		Current Condition			Number Needed
Type	# Available	Good	Needs Service	Obsolete	

Please provide a justification for the additional requirements. (how will service delivery be affected or improved ?)

ADDITIONAL STAFFING INFORMATION

Table 1. Please complete for staff under your command *(by grade)

NO. OF STAFF in Min/ Dept/ Div Agency/ Unit	STATUS			NO. OF VACANCIES
	PERMANENT	TEMPORARY	CASUAL	

If there is any additional information which you would like to draw to the Review Team’s attention please make a note here or discuss it with the Review Team directly during the research and interview phase.

Thank you very much for your cooperation

APPENDIX 2 – LIST OF PEOPLE CONSULTED/ INTERVIEWED

MINISTRY OF JUSTICE

1. Sulemana A Bah	Sen State Counsel
2. Maclean A.A Johnson (Mrs)	Sec. Stenographer
3. Khadi Swaray	Sec Stenographer
4. Alpha Mattia	Executive Officer
5. Rowland Harding	3 rd Grade Clerk
6. Fatmata S. Kargbo	Temporary Clerk
7. Mariama Kaimapo	Temporary Clerk
8. Aiah S Allieu	State Counsel
9. Adeline a Bangura	Temporary Clerk
10. Gerard Soyei	Principal State Counsel
11. Abdul K Kargbo	3 rd Grade Clerk
12. Monfred Momoh Sesay	State Counsel
13. Emily Harding... ..	2 nd Grade Clerk
14. Sally V Khatumal	State Counsel
15. A V C Parker	Sub- Accountant
16. Alusine Bangura	Messenger
17. Agnes Thorpe	1 st Grade Clerk
18. Henrietta Jones	2 nd Grade Clerk
19. Tommy Kanu	Messenger
20. Margaret H Kallon	2 nd Grade Clerk
21. Catherine Johnson	1 st Grade Clerk
22. Kadiatu Bangura	Temporary Clerk

ADMINISTRATOR AND REGISTRAR- GENERAL'S DEPARTMENT

1. Daniel A Konoyima	Ag Admin & Registrar-General
2. Joseph Fofonah	Ag. Dep. ARG
3. E. Levi John	Ag Accountant
4. Elfreda Clarkson	Ag Staff Superintendent
5. Mohammed Abu	Executive Officer
6. Simeanon Thomas	Assist. Estate officer

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APPENDIX 3 – CURRENT STAFF LIST OF MINISTRY OF JUSTICE
PROFESSIONAL STAFF INVENTORY

Name	Position	Grade & Step	Age	Date Of Birth	Job Description Available		Years In Position	Years In Service	Highest Education Attained	Professional Qualification	Decentralise
					Yes	No					
Tunde E. Cole	Solicitor-General	14	61	2/12/44	*		6	33	LLB (Hons) BL	LLB (Hons) BL	Yes
Bryma VS Kebbie	Director of Public Prosecution	14	59	15/8/45	*		6	6	LLB (Hons) BL	LLB (Hons) BL	Yes
Gerard J Soyey	Principal State Counsel	11	45	12/12/60	*		1	18	LLB (Hons) BL	LLB (Hons) BL	Yes
Lahai Momoh Farmah	Principal State Counsel	11	51	11/6/55	*		1	15	BA (Hons) LLB (Hons) BL	LLB (Hons) BL	Yes
Joseph G Kobba	Senior State Counsel	9	52	28/11/53	*		7	15	LLM	LLB (Hons) BL, LLM	Yes
Sulliaman A. Bah	Senior State Counsel	9	39	29/10/66	*		1	11	LLM	LLB (Hons) BL, LLM	Yes
Keikura Bangura	State Counsel	8	43	22/22/62	*		11	11	LLB (Hons) BL	LLB (Hons) BL	Yes
P.H. Schwartz	State Counsel	7	39	18/3/67	*		9	9	LLM	LLB (Hons) BL, LLM	Yes
Monfred Sesay	State Counsel (Customary Law Officer (South))	7	46	5/4/60	*		6	6	BA (Gen) LLB (Hons) BL	LLB (Hons) BL	Yes
Timothy P Sowa	State Counsel (Customary Law Officer (East))	7	40	24/3/66	*		6	6	LLM	LLB (Hons) BL, LLM	Yes

PROFESSIONAL STAFF INVENTORY (cont'd)

Name	Position	Grade & Step	Age	Date Of Birth	Job Description Available		Years In Position	Years In Service	Highest Education Attained	Professional Qualification	Decentralise
					Yes	No					
Aiah S Allieu	State Counsel (Customary Law Officer (North))	7	38	17/11/67	*		4	4	BA (Gen) LLB (Hons) BL	LLB (Hons) BL	Yes
Melinda N. A.P. Palmer	State Counsel	7	30	7/1/76	*		4	4	LLM	LLB (Hons) BL LLM	Yes
Cosmotina C Jarrett	State Counsel	7	32	13/1/74	*		3	3	BA (Gen) LLB (Hons) BL	LLB (Hons) BL	Yes
Osman I Kanu	State Counsel	7	39	21/5/67	*		1	1	LLB (Hons) BL	LLB (Hons) BL	Yes
Alimany Sesay	State Counsel	7	35	3/6/71	*		1	1	LLB (Hons) LLM BL	LLB (Hons) LLM BL	Yes
Sally V Khatunal	Resigned										Yes

TECHNICAL STAFF

Name	Position	Grade & Step	Age	Date Of Birth	Job Description Available		Years In Position	Years In Service	Highest Education Attained	Professional Qualification	Decentralise
					Yes	No					
Edna Macauley	Senior Secretary Stenographer	8	61	26/3/45	*		14		Dip. In Sec Duties; Dip in Admin	Dip. In Sec Duties; Dip in Admin	Yes
Kadie Swaray	Secretary Stenographer	7	56	12/3/50	*		16	24	RSA III	RSA 1,2,3	Yes
Macleana A Johnson	Secretary Stenographer	7	58	28/3/48	*		16	41	Dip in Sec Duties	Dip in Sec Duties	Yes
Ada E Davies	Confidential Secretary	6	61	15/10/45	*		16	28	Associate Degree in Private Executive Secretary	Associate Degree in Private Executive Secretary	Yes
Rosetta P. Macauley	Confidential Secretary	6	62	23/8/43	*		25	30	Secretarial Advance	Secretarial Advance	Yes
Ibrahim Bockari Siaffa Kaffeh	Admin Officer	7	48	23/4/58	*		nil	17	BA (Gen) LLB (Final)	NIL	Yes
Alpha Mattia	Executive Officer	4	34	20/10/71	*		4	4	Dip Business Admin	Dip Business Admin	Yes
Joya Sarah Thomas	Stenographer Grade 1	4	41	30/5/65	*		2	20	ICSA (Cert) Dip Business Studies	Computer Training	Yes
P S Fullah	Local Courts Supervisor (Moyamba District)	4	50	1/9/55	*		16	16	Cert in Org Methods	Cert in Org Methods	Yes
S I Tempy-Korama	Local Courts Supervisor (Port Loko District)	4	57	27/4/49	*		16	16	HTC	HTC	Yes

Name	Position	Grade & Step	Age	Date Of Birth	Job Description Available		Years In Position	Years In Service	Highest Education Attained	Professional Qualification	Decentralise
					Yes	No					
A M Kamara	Local Courts Supervisor (Kambia District)	4	55	26/5/51	*		16	32	Cert in Political/Social Development	Cert in Political/Social Development	Yes
A B Sannoh-Massaquoi	Local Courts Supervisor (Bo District)	4	49		*		7	7	Dip in Cooperation & Labour Studies; Dip in Book Keeping	Dip in Bookeeping	Yes
Aruna F Mattia	Records Officer (Bo)	4	57	27/11/48	*		19	29	Typing Stage 1 Civil Service Exam	Typing Stage 1 Civil Service exam	Yes

NON-PROFESSIONAL (CLERICAL AND SUPPORT)

Name	Position	Grade & Step	Age	Date Of Birth	Job Description Available		Years In Position	Years In Service	Highest Education Attained	Professional Qualification	Decentralise
					Yes	No					
Catherine A Johnson	1 st Grade Clerk	3	57	17/6/49	*		17	35	Pitman Stage 1&2 Civil Service Exams	Pitman Stage 1&2	Yes
Agnes V Thorpe	1 st Grade Clerk	3	57	28/10/48	*		9	35	Pitman Stage 1	Pitman Stage 1	Yes
Evelyn I Belle-Taylor	1 st Grade Clerk	3	54	6/6/52	*		8	31	Civil Service Exams	Nil	Yes
L M Kenny	1 st Grade Clerk (Bo)	3	58	4/8/47	*		17	43	Nil	Nil	Yes
Margaret H Kallon	2 nd Grade Clerk	3	59	23/1/47	*		20	40	Nil	Nil	Yes
Henrietta M Jones	2 nd Grade Clerk	3	53	28/8/52	*		13	35	Nil	Nil	Yes
Emily A Harding	2 nd Grade Clerk	3	51	22/4/55	*		13	27	Civil Service Exams	Nil	Yes
Raymond F Williams	2 nd Grade Clerk	3	42	23/6/64	*		12	20	GCE 'O' Level, Civil Service Exams	Nil	Yes
Patrick Sellu	2 nd Grade Clerk (Bo)	3	45	9/3/61	*		10	21	GCE 'O' Level	Nil	Yes
Abdul K Kargbo	3 rd Grade Clerk	2	26/9/70		*		13	13	GCE 'O' Level, Civil Service Exams	Nil	Yes
George A N Decker	3 rd Grade Clerk	2	40	1/7/66	*		11	14	GCE 'O' Level, Civil Service Exams CAT (Inter)	Nil	Yes
George E Showers	3 rd Grade Clerk	2	33	21/10/72	*		11	14	GCE 'O' Level, OND Level 1	OND Level 1	Yes

NON-PROFESSIONAL (CLERICAL AND SUPPORT)[cont'd]

Name	Position	Grade & Step	Age	Date Of Birth	Job Description Available		Years In Position	Years In Service	Highest Education Attained	Professional Qualification	Decentralise
					Yes	No					
Roland A Harding	3 rd Grade Clerk	2	35	19/6/71	*		11	14	Civil Service Exams	Nil	Yes
Mariama Kaimapo	3 rd Grade Clerk	1	44	22/10/61	*		21	21	Cert in Vocational Studies	Cert in Vocational Studies	Yes
Adeline A Bangura	3 rd Grade Clerk	1	48	12/1/58	*		16	16	Pitman Stage 1, Dip in Software Application	Pitman Stage 1, Dip in Software Application	Yes
Victoria O Leigh	3 rd Grade Clerk	1	52	7/9/54	*		Nil	30	-	-	Yes
Linda Grant	Temporary Clerk	1	53	1/5/53	*		27	27	Nil	Nil	Yes
Kadiatu Bangura	3 rd Grade Clerk	1	43	27/3/63	*		19	19	Certificate in Secretarial Duties		Yes
Evelyn B Smith	Temporary Clerk	1	46	7/9/59	*		21	21	2 GCE 'O' Level	Nil	Yes
Ensa Swaray	Temporary Clerk (Kenema)	1	55	15/10/55	*		29	29	Pitman Stage 1 & 3 in Typewriting	Pitman Stage 1 & 3 in Typewriting	Yes
Christiana Barnes	Temporary Clerk	1	46	5/5/60	*		21	21	Nil	Nil	Yes
Fatmata S Kargbo	3 rd Grade Clerk	1	50	8/2/56	*		25	30	Diploma in Computer Software and Application	Nil	Yes
Kadisay Basma	3 rd Grade Clerk	1	49	28/2/59	*		27	27			Yes
Abdul Sankoh	Senior Driver	3	57	4/9/48	*		10	30	Nil	Nil	Yes

NON-PROFESSIONAL (CLERICAL AND SUPPORT)[cont'd]

Name	Position	Grade & Step	Age	Date Of Birth	Job Description Available		Years In Position	Years In Service	Highest Education Attained	Professional Qualification	Decentralise
					Yes	No					
Alhaji F Kargbo	Senior Driver	3	58	18/10/47	*		9	35	Nil	Nil	Yes
Mohammed Thulla	Driver	3	59	2/4/47	*		20	28	Nil	Nil	Yes
Samba Koroma	Temporary Driver	1	41	6/6/65	*		2	2	Nil	Nil	Yes
Abdul Swarray	Temporary Driver	1	28	29/12/78	*		2	2	Nil	Nil	Yes
Josephus Collier	Messenger	1	49	19/12/57	*		14	25	Nil	Nil	Yes
Sadugu Tarawalli	Messenger	1	48	12/6/58	*		1	7	Nil	Nil	Yes
Joseph Sam	Messenger (Bo)	1	59	16/1/47	*		36	36	Nil	Nil	Yes
Alusine Bangura	Messenger	1	49	12/5/57	*		15	15	Nil	Nil	Yes
Mohammed Mansarray	Messenger	1	49	20/8/57	*		1	7	Nil	Nil	Yes
Tommy Kanu	Messenger	1	30	3/3/76	*		1	7	3 GCE 'O' Level TC (Gen)	TC (Gen)	Yes
Henry Vincent	Messenger	1	58	9/1/48	*		29	35	Nil	Nil	Yes
Issa Conteh	Senior Cleaner	2	58	4/9/48	*		6	19	Nil	Nil	Yes
Osman Bangura	Cleaner	1	53	5/6/63	*		9	15	Nil	Nil	Yes
Abu Bangura	Cleaner	1	43	5/3/63	*		1	9	Nil	Nil	Yes
Mohammed Kargbo	Cleaner	1	42	25/4/64	*		1	9	Nil	Nil	Yes

APPENDIX 3A - CURRENT STAFF LIST OF THE ADMINISTRATOR AND REGISTRAR GENERAL'S DEPARTMENT

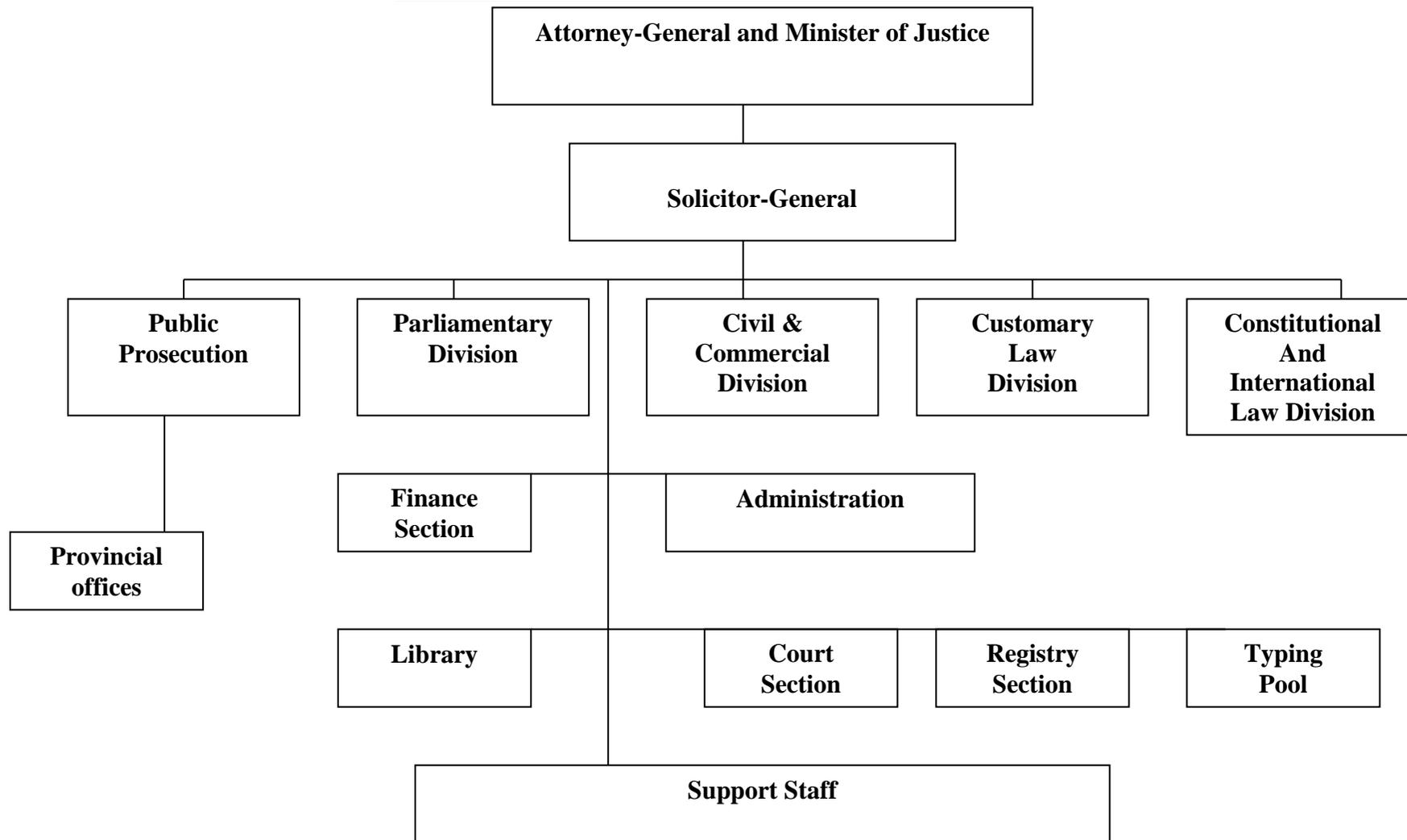
No.	Name	Position	Grade / Scale	Date of Birth	Age	Date of 1 st Appointment	Date of Present Appt	Highest Education Attained	Professional Qualification
1.	Daniel A. Konoyima	Ag Admin Registrar-General	11:4	3.3.50	56	8.8.69	15.5.88		BSc. LLB (Hons) BL
2.	Joseph Fofonah	Ag Deputy Reg-Gen	6:9	29.10.67	39	4.4.95	4.4.95	BA Gen Div 11 LLB Hons	BSC Hons MSc Dev Studies
3.	Simeon Thomas	Asst Estate Officer	5:9	15.9.65	41	6.4.95	6.4.95	'O' Levels, 'A' Levels	
4.	Abdulai Feika	Asst Registration Officer	5:9	15.10.65	41	8.4.95	8.4.95	Diploma in Business Studies	
5.	Mohammed Abu	Executive Officer	4	26.8.64	42	24.1.87	11.9.01	'A' Levels	Diploma LAIS(1) LLB year 3
6.	Mrs Rebecca H Carpenter	1 st Grade Clerk	3:11	6.8.46	60	7.6.71	1.7.96	Nil	
7.	Mrs Elfreda E Clarkson	2 nd Grade Clerk	3:11	26.11.49	57	4.2.72	4.2.82	Pitman's Stage 1 & 11 Typewriting	
8.	Hassan Kargbo	2 nd Grade Clerk	3:11	5.3.59	47	26.1.78	1.7.93	'O' & 'A' Levels	
9.	Bai Kamara	2 nd Grade Clerk	3:11	6.9.61	45	22.8.78	6.10.93	'O' Level, Civil Service	
10.	John K Sesay	2 nd Grade Clerk	3:11	5.3.59	47	1.3.84	1.3.94		
11.									
12.									

APPENDIX 4 - DOCUMENTS AND PUBLICATIONS EXAMINED

1. 1991 Sierra Leone Constitution
2. Schedule of duties for Staff of the Law Officers Department
3. Organogram of the Law Officers Department
4. Organogram of the Ministry of Justice
5. Strategic Plan for the Law Officers department 2006-2008
6. Complete staff inventory form for Law Officers Department
7. Staff list of the ARG
8. The Business Registration Act 1983
9. Staff list of the Law Officers Department
10. The Patents and Industrial Designs Act 2001
11. Business Registration Application Forms
12. The Re-Grading of Post- Law Officers Department
13. Local Courts Act 1963
14. Local Courts (Procedures) Rules 1964
15. The Laws of Sierra Leone 1960
16. Cap 95 Marriage
17. Cap 255 General Registration
18. Cap 284 Copyright
19. Cap 244 Registration of Trade Marks
20. Government Budget and Accountability Act 2005
21. Interpretation (Amendment) Act No 10 of 4th June 1981

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APPENDIX 5
EXISTING ORGANIZATION STRUCTURE
MINISTRY OF JUSTICE AND ATTORNEY GENERAL



**APPENDIX 6
PROPOSED ORGANISATION STRUCTURE
ATTORNEY-GENERAL AND MINISTER OF JUSTICE**

