

SUSPENSION OF KEY ACCOUNTABILITY LAWS WILL UNDERMINE PUBLIC TRUST IN SIERRA LEONE GOVERNMENT'S CORONA VIRUS RESPONSE EFFORTS

Freetown - 20th May 2020

We, the undersigned civil society organisations, are sincerely appalled by the content of the proposed Corona Virus Disease Emergency Fund Regulations as captured in Constitutional Instrument No 10 of 2020 dated 7th May 2020. The Constitutional Instrument, which establishes the Corona Disease Response Fund, essentially suspends all accountability laws and institutions in the management of resources dedicated to respond to the Corona virus disease. Specifically, Regulations 9(1) and (2) provide that the National Public Procurement Act, 2016 and Public Finance Act, 2016 shall not apply to the management of Corona Response Funds, adding that any laws that conflict with the Regulations shall not apply to the management of the funds.

“This represents a significant step backward in our collective fight to promote a culture of accountability and transparency in the management of public resources. The lessons of the alleged mismanagement that characterized the Ebola response funds should have guided the drafting of this regulation. Unfortunately, those seeking to push through these Regulations seem to have forgotten quickly and are now plotting to essentially slaughter accountability in the COVID-19 response efforts,” said Ibrahim Tommy, Executive Director of Centre for Accountability and Rule of Law.

We acknowledge the Ministry of Finance's proactive disclosure of information in respect of COVID-19 response funds, which is why we are extremely disappointed by this attempt to essentially diminish accountability standards in the management of COVID-19 response resources.

We note that we are in a state of public emergency, however, it does not justify the suspension of laws that seek to promote accountability in the management of public funds. In fact, Section 29 (5) of the Constitution of Sierra Leone states as follows: **“During a period of public emergency, the president may make such regulations and take such measures as appear to him to be necessary or expedient for the purpose of maintaining and securing peace, order and good government in Sierra Leone or any part thereof”**.

The Public Finance Management (PFM) Act 2016 makes adequate provisions for the prudent, efficient, effective, and transparent management and use of public financial resources, including during times of emergency. This includes provisions in the Act for virements between budget lines, contingency spending and supplementary budgets. Similarly, the National Public Procurement Authority (NPPA) Act 2016 and its related regulations make provisions for the procurement of goods, works and services in any given situation, including emergencies such as the current public health emergency.

Whilst responding to the current health crisis requires swift and decisive action, we cannot afford to sacrifice the golden principles of transparency and accountable in the management of funds on the altar of emergency. Ultimately, sustaining public trust in the response efforts will be critical to defeating COVID-19.

We urge Members of Parliament to annul or reject the Instrument when it is laid before them. We particularly wish to remind them of the remarks of His Excellency President Bio in his nationwide address announcing the index case of Corona in Sierra Leone. He said, **“I also promised that we would be open, transparent, and responsive to the views of citizens because we believe that openness cultivates public trust and confidence in what we are doing and why we are doing what we are doing.”**¹

¹ <https://statehouse.gov.sl/wp-content/uploads/2020/03/Statement-by-His-Excellency-Dr-Julius-Maada-Bio-President-of-the-Republic-of-Sierra-Leone-at-the-Second-Press-Conference-on-COVID-19.-State-House-Freetown-31-March-2020.pdf>

“These Regulations have strong bearing on deepening transparency and openness in the delivery and use of COVID-19 funds,” said Abu Bakarr Kamara of the Budget Advocacy Network.

While countries like Gabon, Nigeria, Moldova, Sao Tome and Principe are strengthening their laws to enhance transparency and accountability in confronting COVID-19, Sierra Leone is about to suffocate the key accountability laws such as the Procurement Act, 2016 and the Public Finance Management Act 2016 in the use and management of COVID-19 resources. All this instrument seeks to do is to supplant the role of key accountability institutions such as Audit Service Sierra Leone and the National Public Procurement Authority in regulating the use and management of COVID-19 response funds. “It is therefore significantly concerning that any attempt to suspend these accountability provisions will constitute to the highest possible degree a risk register in the delivery of COVID-19 funds; with greater propensity of exacerbating the existing weak systems and some of the gains government has long made may be eroded” - Musa Ansumana Soko -Executive Director WASH-Net

We urge the government, and in particular, the Ministry of Finance and the leadership of the Emergency Operation Centre, to rely on the provisions in the PFM Act and the NPPA Act for the procurement of goods and services and management of funds in the current emergency situation. We also urge Audit Service Sierra Leone to carry out real time audits on COVID related spending to ensure the lapses and leakages identified in the Ebola Audit are not repeated.

We acknowledge that during times of emergency, it is imperative that the Government act quickly. However, there should be due regard to controls, transparency and oversight to ensure that limited funds can reach as many people as possible. Accountability in the use of public funds is a key part of fighting the virus.

Signed:

Public Financial Management Consortium
Budget Advocacy Network (BAN)
Center for Accountability and Rule of Law (CARL)
Christian Aid (CA)
Campaign for Good Governance (CGG)
Network Movement for Justice and Development (NMJD)
Action Aid International Sierra Leone (AAISL)
Transparency International Sierra Leone (TI-SL)
Search for Common Ground (SFCG)
Western Area Budget Education Advocacy Network
Water and Sanitation Network (WASH-Net)
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