A BILL ENTITLED THE CONSTITUTION OF SIERRA LEONE: Reordering of Power/Reform or Redesign - A Closer Look at the 2025 Constitutional Amendment Bill

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11th January, 2026 - By any democratic standard, constitutions mean more than legal documents. They are moral compacts, political guardrails, and the last line of defense between power and abuse. Typically, constitutions are rarely rewritten in moments of calm. They are usually shaped by history, fear, ambition, and hope. Sierra Leone's proposed Constitution (Amendment) Act, 2025 arrives at such a moment—eight years after a contested democratic transition, amid economic strain, institutional mistrust, and a public yearning for stability. The profound question before the Republic and Parliament is not whether reform is necessary, but whether this reform strengthens democracy or subtly rearranges it.

In this review, I have attempted to weave in political philosophy, comparative African democratic practice, and forensic constitutional analysis into a public-interest narrative. The piece integrates a Clause-by-Clause "Parliamentary Briefing" and and a "Civil Society–Facing" analysis, while identifying sections, subsections, drafting errors, cross-referencing flaws, ambiguous phrases, and harmonisation failures within the Bill. The motivation for such a critique derives from the fact that the draft Bill is not a routine amendment. This Bill reaches deep, amending the architecture of elections to improve electoral credibility, reduce post-election conflict, clarify transition-of-power rules. It further touches on political parties and party systems, presidential authority, security sector neutrality, inclusion (women, youth, civil society), parliamentary tenure, and even the relationship between citizens and their parties. It is therefore not an incremental reform; it is a structural redesign. While the proposed amendments clearly show positive intent, constitutions are judged not by intentions alone, but by how power is allocated,

constrained, and ultimately removed. On that score, the proposed amendments also carry some risks.

The Electoral Commission: Independence That Begins Too Late

Let me start off with what the Bill Gets Right. Section 32 introduces a “Search and Nomination Committee” for the appointment of the Chief Electoral Commissioner and members of the Commission. On paper, this aligns Sierra Leone with respected African democracies such as Ghana and Kenya. The inclusion of civil society, the media, youth groups, and women’s organisations reflects democratic pluralism. But independence does not begin with who sits on a committee; it begins with who appoints the committee itself. The Flaw is in subsection 32(3) which places the power to appoint the entire “Search and Nomination Committee” in the hands of the President. It creates what constitutional scholars describe as upstream capture: control exercised before formal safeguards even come into play. An appointment process cannot be independent if its gatekeeper is politically singular.Classical democratic theory (Locke, Montesquieu) taught us that Executive power must be constrained. Compounding the problem, the Bill mandates no public interviews, no publication of shortlisted candidates, and no parliamentary confirmation. The result is a commission that appears independent, but whose independence is procedurally untested.This is not how independent commissions are built; it is how they are managed.

Political Parties: Regulating or Narrowing Democracy?

The introduction of transition safeguards underscore progressive intent of the proposed amendments. The Bill’s restrictions on presidential powers during the transition period, barring major appointments, contracts, and institutional restructuring are among its strongest features. They align with mature democracies and address a long-standing vulnerability in Sierra Leone’s political practice. Likewise, constitutional prohibitions on partisan conduct by the police and armed forces are welcome and overdue.

Nonetheless, the amendment to the Political Parties Act allows deregistration of parties that fail to win elections in two successive general elections. This provision misunderstands democracy. Parties exist not only to win power, but to shape public debate, represent minority views, hold government accountable. Beyond this, electoral failure is not constitutional failure. No leading African democracy deregisters parties simply for losing elections. While it prevents proliferation of dormant shell parties, deregistration for failure to win elections alone contradicts freedom of association and risks entrenching a two-party duopoly. I would recommend replacing or adding on to the electoral failure criterion (with) proven fraud, failure to maintain basic organisational structure, and persistent constitutional violations.

Proportional Representation: Inclusion Without Accountability?

The Bill replaces constituency-based parliamentary elections with Block Proportional Representation under Section 74(b), to be regulated by future legislation which in itself is problematic. While PR can broaden inclusion, they also alter accountability. In Sierra Leone's political context, where internal party democracy is weak and leadership control is strong, list-based systems risk producing MPs who answer upward to party hierarchies rather than downward to communities. First Past the Post, for all its imperfections, offers a crucial democratic virtue: clarity of responsibility. Constituents know who represents them. MPs know who will judge them. In other words, First Past the Post (FPTP) has a stabilising virtue: it anchors representation to place, people, and accountability. Ghana, India, the United Kingdom, and Nigeria retain constituency-based systems not out of nostalgia, but because accountability remains local - voters know who to reward and who to punish. If inclusion is the goal, it should be pursued through enforceable gender quotas, campaign finance reform, and internal party democracy, not by severing the bond between representative and place.

Presidential Elections: Stability at the Cost of the Rule of Law?

Section 42, (it should have been (c) Not (e)), reintroduces a simple majority presidential threshold with a 20% regional spread in two-thirds of districts, echoing Nigeria's federal logic. This is defensible, even commendable. But then the Bill takes a sharp and dangerous turnrelating to "The Trial Suspension Clause." Section 43(3) is one of the most troubling provisions in the entire Bill. It suspends the criminal trial of any presidential candidate who is facing charges one year before an election, postponing proceedings until after the vote. I understand the background to this inclusion relating to what political observers viewed as the politically motivated trial of the 2023 main opposition All Peoples Congress (APC) presidential candidate on to the eve of the elections of June that year. (I will deal with that in separate article). Without any equivalent protection for ordinary citizens, this clause has no analogue in serious democracies. It creates a temporary political immunity that undermines equality before the law and invites abuse. In effect, ambition becomes a shield against accountability. This is does not create democratic stability rather; it nurishes constitutional indulgence.

Equally problematic are the compressed judicial timelines. Section 42(2)(g) allows just three days to file a presidential election petition and fourteen days for the Supreme Court to determine disputes of national consequence. Justice hurried is often justice politicised. Courts under such pressure risk becoming instruments of speed rather than truth. In practice, this compresses justice into spectacle and places intolerable political pressure on the judiciary.

Removal of a President: When Parties Threaten the Ballot

Perhaps the most consequential change appears in Sections 49(d) and 55(e), allowing Parliament, by two-thirds majority, to remove a President or Vice President following resignation or expulsion from the political party under which they were elected. This is constitutionally explosive. It subordinates the people's vote to party machinery and transforms political parties into quasi-constitutional organs of removal. In practical terms, it means a President chosen by millions can be undone by party executives and parliamentary arithmetic. This undermines popular sovereignty and panders to party supremacy. The danger is heightened by an internal contradiction. Section 54(8) states clearly that loss of party membership alone shall not remove a sitting President. Section 49(d) implies precisely the opposite. This internal contradiction is not a drafting error; it is a constitutional fault line. A constitution that contradicts itself at this level is not merely unclear, it is unstable. Across Africa, the lesson is clear. Where parties gain constitutional power over elected executives, democracy weakens. Voters, not party structures, must remain sovereign. In political philosophy, this collapses the distinction between representation and control.

Typographical, Cross-Referencing and Drafting Weaknesses and Harmonisation Issues Parliament Must Fix

Drafting matters, because power hides in language. Beyond substance, the Bill suffers from drafting weaknesses that Parliament must not ignore: misnumbered subsections, inconsistent terminology, vague phrases such as "sufficient financial capacity," and repeated provisions across Acts without proper harmonisation. The qualifications for commissioners are repeated and inconsistently defined between Section 32 of the Constitution and Section 2 of the Public Elections Act, 2022, as amended. One requires a postgraduate degree, another an "advanced degree."Further, experience thresholds differ.

Also concerning are the ambiguous phrases such as “sufficient financial capacity” (Section 42(1)(b)); “unquestionable integrity” (Sections 32(4) and Act 17 of 2022 amendment). The terms are undefined and legally untestable. There is the issue of misnumbering of subsections (Section 42); and overlapping provisions between Constitution amendments and consequential amendments to Acts 17 and 25 of 2022 without harmonisation. These are not cosmetic issues. Such lack of harmonisation is more than a technical or drafting nuisance; it is an invitation to selective interpretation. In constitutional law, ambiguity is never neutral, it ispower’s accomplice because it almost always benefits those already in power.

A Choice Before Parliament - A Decision That Will Outlive Its Authors

In conclusion, it is worthy to note that democracy rarely collapses in a single dramatic moment. More often, it is quietly redesigned clause by clause until citizens wake up to find their power rearranged. This Bill can still become a landmark democratic reform but only if Parliament treats it not as a partisan instrument, nor as a hurried fix, but as a generational document. The task before lawmakers is not to pass a Bill swiftly, but to pass one wisely.Parliament must remember that constitutions are not drafted for today’s winners, but for tomorrow’s temptations. Sierra Leone’s democratic future will therefore depend less on who governs next than on whether today’s lawmakers choose restraint over convenience. If Sierra Leone has learnt, at great cost, what happens when shortcuts are taken on important national issues, then the duty of Parliament should be simple albeit immense: ensure that this Constitution still belongs to the people when power changes hands.