

DECREE

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THE NATIONAL COMMISSION FOR RELIEF, REHABILITATION AND RECONSTRUCTION DECREE, 1996

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**N.P.R.C. Decree
No. 12**



1996

Sierra Leone

The National Commission for Relief, Rehabilitation and Reconstruction Decree, 1996 Short title.

Being a Decree to establish a Commission for the planning, co-ordination and implementation of programmes for the relief, rehabilitation and reintegration of persons and communities affected by conflict and natural and man-made disasters and other emergencies.

[28th March, 1996.] Date of commencement.

PURSUANT to paragraph 3 of the Proclamation entitled "Administration of Sierra Leone (National Provisional Ruling Council Proclamation, 1992", the National Provisional Ruling Council makes and issues the following Decree:—

PART I — PRELIMINARY

Interpretation
and
commence-
ment.

1. (1) In this Decree, unless the context otherwise requires—
- "Board" means the Board of Directors referred to in section 3;
- "Chairman" means the Chairman of the Board referred to in subsection (2) of section 3;
- "Commission" means the National Commission for Relief, Rehabilitation and Reconstruction established by section 2;
- "Council" means the ministerial council referred to in section 19;
- "donor" means any person or organization who contributes, whether in cash or in kind, to the funds, assets and other resources of the Commission;
- "Executive Director" means the Executive Director appointed under section 10;
- "member" means a member of the Board.

(2) This Decree shall be deemed to have come into operation on the 28th March, 1996.

PART II — ESTABLISHMENT OF COMMISSION

Establishment
of Commis-
sion.

2. (1) There is hereby established a body to be known as the National Commission for Relief, Rehabilitation and Reconstruction.

(2) The Commission shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Decree, of performing all such acts as bodies corporate may by law perform.

3. (1) The governing body of the Commission shall be a Board, in which shall be vested, subject to this Decree, the control and supervision of the Commission. Board of Directors.

(2) The Board shall consist of a Chairman and not more than eleven other members.

(3) The Chairman shall be appointed by the National Provisional Ruling Council and must be a person with proven ability and interest in conflict resolution and socio-economic development issues.

(4) of the other members, eight shall be —

- (a) (i) the Development Secretary of the Department of Development and Economic Planning;
- (ii) the Permanent Secretary of the Department of Internal Affairs;
- (iii) the Director-General of the Department of Defence;
- (iv) the Director-General, Management Services, of the Department of Health and Social Services;
- (v) the Director-General of the Department of Foreign Affairs and International Co-operation;
- (vi) the Permanent Secretary of the Department of Education;
- (vii) the Permanent Secretary of the Department of Works; and
- (viii) the Permanent Secretary of the

Department of Agriculture and Forestry;
and

- (b) not more than three shall be appointed by the National Provisional Ruling Council from among persons nominated by the major donor or donors;

(5) The Chairman and the members appointed under paragraph (b) of subsection (4) shall hold office for a term not exceeding two years as may be stated in their letters of appointment and any such appointment may be renewed as and when necessary.

(6) Any vacancy occurring in the office of any member referred to in subsection (5) either by death, termination or otherwise, may be filled by the appointment in like manner of another person to serve for the unexpired term of the member concerned.

Remuneration
of members
of Board.

4. The Chairman and the other members shall be paid such remuneration and allowances and be reimbursed for expenses incurred in connection with the discharge of their functions as such, as the Commission, with the approval of the Government of Sierra Leone and the major donor or donors, may determine.

Proceedings
of Board.

5. (1) The Board shall hold its first meeting on such date and at such place as the Government of Sierra Leone, after consultation with the Board, may determine; and thereafter, the Board shall meet for the despatch of business and adjourn, close and otherwise regulate its meetings and procedure as it thinks fit:

Provided that the Board shall meet at least four times in a year.

(2) An extraordinary meeting of the Board may be held at the request in writing of the Chairman and shall be held at the written request of one-third of the membership of the Board.

(3) At any meeting of the Board where he is present, the Chairman shall preside and, in his absence, the members present may elect one of their number to preside.

(4) The quorum at a meeting of the Board shall be two-thirds of the membership of the Board.

(5) Each member shall have one vote but in the case of an equality of votes, the Chairman shall have a casting vote:

Provided that in financial matters, a decision of the Board shall not be effective without the concurrence of at least one of the members referred to in paragraph (b) of subsection (4) of section 3.

(6) All acts, matters or things authorized or required to be done by the Board shall be decided at a meeting where a quorum is present and the decision is supported by the votes of at least two-thirds of the members, including the Chairman and one of the members referred to in paragraph (b) of subsection (2) of section 3.

(7) Any proposal circulated among all members and agreed in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

6. Any member having a personal interest, whether pecuniary or otherwise, direct or indirect, in any contract of the Board or in any matter in which the Board proposes to make any contract, shall disclose to the Board the fact of such interest and the nature thereof, and such disclosure shall be recorded in the minutes of the Board, and such member shall take no part in any deliberation or decision of the Board relating to such contract.

Disclosure of interest.

The Commission shall have a Secretary who shall be Secretary to the Board.

Secretary to the Board.

PART III — FUNCTIONS OF COMMISSION

Functions of
Commission.

8. (1) The objective for which the Commission is established is generally to initiate and implement plans and programmes for relief, rehabilitation and social reintegration of persons and communities affected by conflict, natural and man-made disasters and other emergencies and to co-ordinate all activities in Sierra Leone designed for the attainment of that objective.

(2) Without prejudice to the generality of subsection (1), it shall be the function of the Commission to—

- (a) initiate forward planning for integrating the prevention and management of disasters and social emergencies into planning for national socio-economic reconstruction and development;
- (b) foster peace-building and national reconciliation;
- (c) respond appropriately, on a day-to-day basis, to any disaster, social crisis or emergency, including the identification of government departments and other public institutions and social organizations, both national and international, which may provide humanitarian assistance and relief to affected persons;
- (d) promote popular participation in the design and delivery of rehabilitation programmes, particularly programmes to cater for the special needs of rural women, rural and urban youth, the elderly and other vulnerable groups;
- (e) assist in the resettlement and reintegration of ex-combatants into civil society by the provision of appropriate skills training for alternative means of livelihood;

- (f) mobilize all available funding and other resources, both local and external, in support of its activities; and
- (g) do all such other things as are necessary for the efficient performance of its functions specified in this section.

9. (1) The Commission shall, at the end of each financial year, prepare a report of its activities, operations, undertakings, property and funding.

Reports of
Commission.

(2) Copies of the report under subsection (1) shall be submitted by the Board to the office of the Deputy Chairman of the National Provisional Ruling Council and to the major donor agency or agencies for their information and necessary action.

10. (1) The Commission shall have an Executive Director appointed by the National Provisional Ruling Council after consultation with the Commission and upon such terms and conditions as the Commission shall determine.

Appointment
of Executive
Director and
other staff of
Commission.

(2) Subject to this Decree, the management of the operations, undertakings and property of the Commission shall be vested in the Executive Director.

(3) No person shall be appointed Executive Director unless he has proven knowledge and ability in administration, management of development projects and the delivery of humanitarian assistance and relief, together with such other requirements as the Commission may determine.

(4) The Commission may also, subject to such terms and conditions as it shall determine, appoint a Deputy Executive Director, such officers and other staff as it considers necessary for the efficient performance of its functions under this Decree.

(5) In making any appointment under subsection (4), the Commission shall limit recruitment to positions for which there are

vacancies, each with a job description and a continuing justification and based on a general policy—

- (a) to recruit only persons with the requisite formal qualifications, working experience, knowledge, skills and aptitude for the vacancy concerned;
- (b) to recruit internally if qualified candidates can be identified; and
- (c) to ensure non-discrimination and equality of treatment for all applicants.

Staff training
and
development.

11. In order to enhance the performance of its staff, the Commission may provide such job-related training both on-the-job and at such appropriate institutions as the Commission shall determine.

Functions of
Executive
Director.

12. (1) It shall be the function of the Executive Director, subject to any directions from the Commission to—

- (a) identify and design programmes of activities to be offered to the various target-groups both on an annual basis and on a medium-term plan of between two and three years' duration;
- (b) ensure the proper implementation of the Commission's operations within the framework of the medium-term and annual plans approved by the Commission;
- (c) ensure popular participation in the design and implementation of the Commission's programmes by the target-groups identified by the Commission;
- (d) monitor, control and supervise the preparation of the reports on the operations of the Commission;

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- (e) organize fund-raising from donor agencies, both existing and prospective;
- (f) manage the assets and funds, whether capital or otherwise, invested in the Commission; and
- (g) ensure the administration and development of the staff of the Commission, based on the terms and conditions of employment and the personnel guidelines prescribed by the Commission.

(2) For the efficient conduct of the day-to-day business of the Commission, including its financial transactions, the Commission may delegate to the Executive Director such of its functions as are necessary for the purpose, including the power to administer all matters relating to the service and discipline of staff.

13. Public servants may be seconded or otherwise render assistance to the Commission but the Commission may request the withdrawal of any such seconded staff who is unable to carry out assigned functions in a manner satisfactory to the Commission.

Secondment
of public
officers.

PART IV — PLANNING AND FINANCIAL MANAGEMENT

14. (1) The basic planning framework of the Commission shall be the medium-term plan of two to three years duration which shall specify the objectives and the strategies to be adopted for their implementation together with a forecast of the effect on key aspects of the performance of the Commission.

Operational
plans and
budgets.

(2) The medium-term plan shall be elaborated into detailed operational annual plans supported by annual operating, cash and capital expenditure budgets.

(3) An annual plan of activities prepared and finalized by the Executive Director shall be submitted not later than sixty days before the beginning of the financial year of the Commission, for the approval of the Board.

Funds of
Commission.

15. (1) The activities of the Commission shall be financed by a fund composed of—

- (a) contributions of the Government of Sierra Leone, allocated through the office of the Deputy Chairman of the National Provisional Ruling Council;
- (b) contributions from donor agencies, including—
 - (i) international organizations;
 - (ii) non-governmental organizations; and
 - (iii) such other agency or agencies as may be willing to contribute;
- (c) contributions of target groups; and
- (d) any other moneys, assets or resources that may be placed at the disposal of the Commission by any other person or authority.

(2) The funds of the Commission shall be utilized only on the basis of the annual operational plans and budgets; and expenditures shall not exceed expected incomes.

Accounts and
audit.

16. (1) The Commission shall keep proper books of account and other records in relation to the activities of the Commission and shall prepare in respect of each financial year of the Commission a statement of accounts in a form designed to—

- (a) indicate monthly expenditures;
- (b) provide data for up-to-date budget control through the Commission's management information system; and

(c) ensure correct use of the funds of the Commission.

(2) The accounts of the Commission kept under subsection (1) shall be audited by the Auditor-General or an auditor appointed by him.

(3) The statement of accounts and the audit report thereon shall be submitted to the office of the Deputy Chairman of the National Provisional Ruling Council for approval and distribution to the Government of Sierra Leone, the major donor or donors and any other person or authority which has contributed to the funds of the Commission.

17. (1) The Commission shall be exempted from taxes and duties relating to the acquisition and use of equipment, materials and supplies which are required for the implementation of any operations or programme of activities approved under this Decree.

Exemption
from taxes
and duties.

(2) Any exemption from taxes or duties granted to the Commission under subsection (1) shall be computed and added to the development and recurrent expenditures to constitute the grand total of the contribution of the Government of Sierra Leone referred to in paragraph (a) of subsection (1) of section 15.

PART V — MISCELLANEOUS PROVISIONS

18. (1) The Commission shall have a common seal, the use of which shall be authenticated by the signature of—

Common
seal.

- (a) the Chairman or other member of the Board authorized either generally or specially by the Board in that behalf; and
- (b) the Executive Director or Secretary of the Commission.

19. (1) The Commission shall have a Council consisting of the Deputy Chairman of the National Provisional Ruling Council and the Secretaries of State responsible respectively for the Departments referred to in paragraph (a) of subsection (4) of section 3.

Ministerial
Council of
Commission.

(2) The Deputy Chairman of the National Provisional Ruling Council shall be Chairman of the Council.

(3) The Council may give to the Commission directions of a general policy nature regarding the functions and operations of the Commission and the Commission shall be bound to comply with such directions.

Regulations
and other
statutory
instruments.

20. The Commission may make—

- (a) regulations for carrying out or giving effect to this Decree; and
- (b) any other statutory instrument for prescribing its financial year and any other matter required to be prescribed by the Commission under this Decree.

MADE and ISSUED this 28th day of March, 1996.

BRIGADIER JULIUS MAADA BLO
Chairman,
National Provisional Ruling Council

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Signe

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