



## **Terms of Reference for Legal Practitioners to Support BAN in the Review of the 2019 Public Debt Management Act from a transparency and accountability perspective**

**Aim:** Support BAN to develop legal clauses that will enhance transparency and accountability in the management of public debt for incorporation in the review Public Debt Management Act 2009.

### **Background**

After achieving its independence, Sierra Leone had a manageable amount of debt. However, to finance development initiatives, the nation began borrowing money, which increased the amount of national debt. The economic difficulties during the time of the Civil War were made worse. To support war efforts, the government took on additional debt, which ultimately led to the collapse of the economy. Sierra Leone was able to gradually restore its economy because of the debt relief granted by international donors. When debt relief was granted to Sierra Leone, however, neither the issue of debt transparency nor debt accountability was considered.

If there is no proper debt transparency and accountability it will have a detrimental influence on revenue, future debt, and overall budgetary execution, and therefore the development programme of the nation. A lack of transparency in modern debt management may result in hidden debt, and it undermines democratic governance since it diminishes the obligations of checks and balances by the core representatives of the people and monitoring institutions (such as parliaments). When there is a lack of accountability in the management of public debt, it is more difficult for citizens to track activities that may affect their lives and to demand accountability for such acts. Citizens have a right—and a need for the means—to understand the extent and practices of their government's borrowing and have a role in how choices about debt are made. This is especially important in light of the fact that public debt is expected to have a significant impact on the democratic execution of development projects in the years to come. Furthermore, debt servicing alone takes about 30% of Sierra Leone's domestic revenue which would have been used to provide essential services.

Governance of debt has emerged as an essential component of political administration for the populace, necessitating the application of democratic administration norms like openness, involvement, and accountability. This is particularly pertinent to the situation in Sierra Leone in view of the increasing burden that is expected in the medium to long term.

The use of the legal framework is one approach that may be taken to solve the concerns of debt transparency and accountability. In March 2023, NDI commissioned BAN to evaluate the country's debt transparency and highlighted many holes in the legal framework that need to be addressed to increase debt transparency and accountability in Sierra Leone. These deficiencies need to be addressed in order to improve debt transparency and accountability. Quite recently, a grant has been awarded to the government of Sierra Leone, from the African Development Bank to strengthen the management of the country's public debt. The examination of the 2019 Public Debt Management Act was one of the many things that will be done in connection with this project.

With regards this, BAN is **seeking the services of a legal consultant** to support the process of strengthening the review of the Public Debt Management Act 2009 to address transparency and accountability.

## Scope

**Analyzing the Existing Act:** The consultant would start by thoroughly examining the current Public Debt Act, and understand its provisions, scope, and any existing measures for transparency and accountability. This will also include a review of the BAN's report on debt transparency and accountability to develop draft clauses for incorporation into the review PDMA 2009.

**Comparative Legal Research:** Conduct comparative research to see how similar legislations are handled in other jurisdictions. This includes understanding best practices and standards for transparency and accountability in public debt management.

**Identifying Gaps and Issues:** Identify any gaps or shortcomings in the current Act that may hinder transparency or accountability. This could include loopholes, ambiguous language, or lack of specific provisions. BAN has done report serve as a guide.

**Stakeholder Consultation:** Engaging with stakeholders such as government officials, financial experts, CSOs, media and other public interest groups to gather diverse perspectives on the Act's effectiveness and areas for improvement.

**Drafting Recommended Clauses for inclusion in the Act** : Based on their analysis and consultations, the consultant would draft recommendations. These might include amendments to the Act, the introduction of new guidelines or practices.

**Legal Compliance and Best Practices:** Ensuring that the recommendations follow national laws and international best practices. This also involves considering the practicality and feasibility of implementing these recommendations.

**Preparation of Reports and Presentations:** The consultant would prepare detailed reports and presentations to communicate their findings and recommendations to the relevant authorities or legislative bodies.

## Deliverables

- Development and presentation of draft clauses that will enhance transparency and accountability in the management of public debt to BAN and NDI. This will include gaps, best practices and proposed clauses on enhancing transparency and accountability

- Participation in stakeholder workshop (1 workshop)
- Presentation of the proposed clauses to stakeholders and policymakers (2 presentations)
- Presentation of final clauses

### Qualifications

- Law degree or equivalent from an accredited law school. Additionally, specialized courses or certifications in public finance, government law, or a related field can be advantageous.
- Experience in public finance, government contracts, and related legal areas is crucial.
- Familiarity with laws and regulations pertaining to public debt, government borrowing, and financial management.
- The ability to interpret and analyze complex legislative documents is a must. This includes understanding the implications of various clauses in the Public Debt Management Act and how they interact with other laws and regulations.
- Strong analytical skills to assess legal issues, identify potential risks, and propose solutions or improvements to the Act.
- Excellent written and verbal communication skills are essential for drafting reports, presenting findings, and liaising with government officials and stakeholders.
- Adherence to the highest ethical and professional standards, as the role involves advising on matters of public interest and policy.
- Understanding how government bodies operate and the political nuances affecting public debt policies can be beneficial.

### Number of Consultancy days – 14 days

Deliverables	Number of days
Development and presentation of draft clauses that will enhance transparency and accountability in the management of public debt to BAN and NDI. This will include gaps, best practices and proposed clauses	9 days
Participation in stakeholder workshops	1 full day
Presentation of the proposed clauses to stakeholders and policymakers	1 day (Two presentations with 0.5 day for each day)
Presentation of final clauses including a risk metric for implementation	3 days

**Timeframe:** 9th February to 31<sup>st</sup> March 2023

### How to apply?

Interested persons should send an expression of interest via email to [abkamara@ban-sl.org](mailto:abkamara@ban-sl.org) together with CV and propose cost on or before **2<sup>nd</sup> February 2024**. Women are strongly advised to apply.