

SIERRA LEONE: ATTORNEY GENERAL PAVES WAY FOR NEW LEGISLATION

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Firm news

Sierra Leone's Attorney General and Minister of Justice Joseph Fitzgerald Kamara has announced that a raft of legislative and practical changes are on the way for the country, a move which he hopes will signal to the world that "*Sierra Leone is open for business*".

The Attorney General made his announcement at Sierra Leone's inaugural Commercial Law Summit held in Freetown on 14 March 2017. The event recognised the potential for promotion of the rule of law to drive economic prosperity in Sierra Leone, addressing gaps in commercial law and the justice system.

Delegates from the Sierra Leone and English judiciaries, the Sierra Leone government, the diplomatic and development communities, the business sector (local and foreign), and the legal profession, collaborated together to formulate practical reform proposals through various workshops and meetings. Concrete recommendations in key areas were put forward for implementation, including: arbitration, anti-corruption and bribery, public-private partnerships, and reform of the court process.

Arbitration was a key focus of discussion and support at the Summit. In his keynote speech, the Attorney General announced that he was committed to reforming Sierra Leone's arbitration law, noting that the bill was "*ready to submit to Cabinet*". The Attorney General noted that the Sierra Leone Law Reform Commission and the Attorney General's Office had already developed the Bill with lawyers from Herbert Smith Freehills. The new legislation will pave the way for accession to the New York Convention.

The Attorney General also touched on the need for more robust anti-corruption policies in Sierra Leone, to help reinforce the country's reputation as a stable democracy and the need for the justice system to work for everyone in Sierra Leone.

Speakers at the Summit included the Attorney General, Sierra Leone's Chief Justice Abdulai Hamid Charm, the Judge in Charge of the UK Commercial Court Mr Justice William Blair and former UK Lord Chancellor and first Secretary of State for Justice, Lord Falconer. The event in Freetown was organised by Herbert Smith Freehills, Standard Chartered Bank, the UK Sierra Leone Pro Bono Network and the UK and Sierra Leonean governments. The Summit was supported by ROLE UK and UKAid.

The Summit formed part of a broader programme of activities and meetings across the week, bringing together expertise from both the UK and Sierra Leone, focussing on practical improvements to the commercial law and justice sector.

The judiciary of Sierra Leone was heavily involved in workshops on: leadership; independence and ethics; judgecraft; and active case management in commercial litigation (delivered by Mr Justice Blair; HH David Mackie QC; Lord Falconer; and UK and Sierra Leone barrister Gelaga King); as well as arbitration (delivered by HH David Mackie QC and Herbert Smith Freehills and also attended by members of the Ghanaian judiciary). Government of Sierra Leone "dealmakers" (both lawyers and non-lawyers) also participated in a negotiation workshop, held by Herbert Smith Freehills with the Sierra Leone Investment and Export Promotion Authority.

The second edition of Sierra Leone: An Investor's Guide was also launched at a reception directly after the Summit. This guide, created by Herbert Smith Freehills, Standard Chartered Bank and Prudential, aims to improve investor confidence in Sierra Leone by presenting an independent, private sector perspective on the country's investment landscape. The Investor's Guide is now available online in the form of a mobile-responsive microsite, increasing ease of access for those who are interested in deploying capital in West Africa.

The Commercial Law Summit is part of a long-standing partnership between Herbert Smith Freehills and the Government of Sierra Leone, "Fair Deal Sierra Leone". For more than seven years now, the firm has provided the Government with legal assistance on a pro bono basis to help build its capacity to manage inward investment. The firm works across a range of government departments and bodies and coordinates with development partners, including DFID, UNDP, the World Bank, and the Africa Governance Initiative. Since the firm's involvement supporting Government, more than 200 people across the firm have delivered over £3 million worth of support.

Herbert Smith Freehills Chair and Senior Partner James Palmer said: "*We are immensely proud of the partnership with the Government of Sierra Leone which we have established under the Fair Deal Sierra Leone initiative. The Commercial Law Summit was a timely recognition by the Government of Sierra Leone and a multitude of other stakeholders of the role the rule of law and developments to the justice system can play in driving domestic economic growth and attracting foreign investment.*"

Lord Falconer said *"This was a focused, well-attended conference which produced fourteen achievable recommendations in significant areas, such as commercial law, arbitration and anti-corruption. If there is to be change, it will start with events like the Summit, which created a unique environment in which to focus on the issues which can make Sierra Leone ready for investment."*

Herbert Smith Freehills Partner Gavin Davies, who leads the pro bono initiative, said: *"It was a privilege for the firm, and for all of us from the Herbert Smith Freehills team attending, to be involved in the Summit. It was a unique opportunity to bring together the Sierra Leone legal and business communities, as well as government and development bodies. The day was crammed with energetic discussion, generating key recommendations which can have a direct impact of the economic prospects of Sierra Leone."*

Herbert Smith Freehills international arbitration partner Andrew Cannon, said: *"We are very pleased to be able to assist the Government of Sierra Leone in the project of modernising its arbitration legislation (including in preparation for eventual accession to the New York Convention). Acceptance and support for arbitration is regarded as a key indicator of a country being open for business and aware of investor concerns and market practice. As was recognised at the Summit, these developments will undoubtedly help to increase investor confidence."*

For more information, please visit: www.investingsinsierraleone.com

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If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



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