RESEARCH
CRC Sub-Committee Progress Report
2014
SUB-COMMITTEE ON RESEARCH

TERMS OF REFERENCE: This Committee is to conduct research on modern constitutionalism. The scope of the Research shall guide the Constitutional Review Committee in designing the frame of Government consistent with the culture of Sierra Leone and within the meaning of modern constitutionalism.

RESEARCH

1. AMB. ALHAJI FODAY OSMAN YANSANEH - CHAIRMAN
2. GEORGE SAMAI
3. DR. PRINCE COKER
4. HINDOLO GEVAO
5. ALHAJI BEN KAMARA
6. AMADU MASSALLY
7. FELIX MARCO CONTEH
8. REV. JOHN B. TARRAVALID

JOAN M.S BULL – Legal & Technical Associate (LTA)
LUCY MAE SEWOIH – (LTA)
MARY ELLIE – Admin Asst.
THERESA NGEGBA - Admin Asst.
ALBERT MOMOH - Intern
### TABLE OF CONTENT

#### Part I - Consultations

<table>
<thead>
<tr>
<th>Content</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Background</td>
<td>3</td>
</tr>
<tr>
<td>2 Introduction</td>
<td>4</td>
</tr>
<tr>
<td>3 Annex I: Covers all consultative meetings with stakeholders</td>
<td>7</td>
</tr>
<tr>
<td>4 Consultation with the Chief of Staff on the 14(^{th}) November, 2014</td>
<td>7</td>
</tr>
<tr>
<td>5 Consultation with the Secretary to the Cabinet on the 17(^{th}) November, 2014</td>
<td>9</td>
</tr>
<tr>
<td>6 Consultation with the Secretary to the President on the 18(^{th}) November, 2014</td>
<td>12</td>
</tr>
<tr>
<td>Consultation visit to the Speaker of the House and other Members of Parliament on the 27(^{th}) November, 2014</td>
<td>14</td>
</tr>
</tbody>
</table>

#### Part II: Expert Engagements

<table>
<thead>
<tr>
<th>Topics</th>
<th>Name of Expert</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Annex 2: Covers all the Expert Engagement Workshops</td>
<td></td>
</tr>
<tr>
<td>2 Expert Engagement Workshop on Research Methodology and Methods held by the Research Subcommittee on the 20(^{th}) November, 2014</td>
<td>Dr. Sengu Koroma</td>
</tr>
<tr>
<td>3 Expert Engagement Workshop on Research Methods and Methodology held on 11(^{th}) December, 2014</td>
<td>Mr. Gibril Sesay</td>
</tr>
<tr>
<td>4 Continuation of Expert Engagement Workshop on Research Methods and Methodology held on 16(^{th}) December, 2014</td>
<td>Mr. Gibril Sesay</td>
</tr>
<tr>
<td>5 Expert Engagement Workshop on Research Methods and Methodology held on 19(^{th}) December, 2014</td>
<td>Mr. Gibril Sesay</td>
</tr>
</tbody>
</table>
BACKGROUND

Sierra Leone currently operates under the 1991 constitution. This Constitution introduced novel provisions in the area of human rights, the rule of law and democratic governance among others. However as part of the process of negotiating the end to civil war which broke out three months after the Constitution was endorsed, article X of the Lome Peace Accord provided for an amendment of the 1991 constitution. Subsequently in 2002, as part of the peace process the Truth and Reconciliation Commission (TRC) also recommended that the government undertook a review of the 1991 Constitution in order to enlarge the scope of justiciable human rights and freedoms of its citizenry.

In pursuance of the TRC recommendations, and in a bid to bring the existing Constitution in tandem with the social and political developments that have taken place nationally and internationally since 1991, the government of Sierra Leone established a Constitutional Review Commission in January 2007 with the mandate “to review the Sierra Leone Constitution with a view to recommending amendments that might bring it up-to-date with the economic, social and political development that have taken place nationally and internally”. The Commission was also tasked to take into consideration the following among others:

- The experience gained since 1996 in the implementation of the 1991 constitution;
- Omissions and lacuna in the 1991 constitution, which affects its operation as a democratic constitution;
- Improvement on certain provision of the Constitution that may enhance democratic governance and;
- Whether fundamental principles of state policy should be justiciable.

The result of the review process was the Constitutional Review Commission (CRC) report which was submitted to the government in 2008. The Constitutional Review Commission in their report proposed one hundred and thirty-six amendments (136). Particularly recommendations were made with regard to the three arms of government viz the executive, legislative and the judiciary. However no legislative action was taken in response to these recommendations.

On the 30th July 2013 an Eighty (80) member review Committee was launched with the mandate of re-examining the recommendations contained in the Constitutional Review Commission report on the review of the 1991 Constitution, which was submitted to the Government in 2008, thereby identifying aspects that need to be retained; retained and further developed; amended or repealed. In addition to this, the Committee was tasked to advise government on the acceptability or otherwise of the recommendations contained in the 2008 review report.

In order to proceed in an efficient manner and to fulfill its responsibilities, the CRC developed working procedures and structured itself into the following sub-committees:

Subcommittee on the executive Branch

Sub-committee on the judicial branch
Sub-committee on the Legislative Branch

Sub-committee on the Local Government and other Ancillary divisions of Government

Sub-committee on the Fundamental principles of State Policy and Human Right

Sub-committee on information, Education and Communication

Sub-committee on the Management of Natural Resources and Environmental Sustainability

Sub-committee on research and

Sub-committee on drafting

The Specific mandate of each sub-committee is spelt out in their terms of reference.

INTRODUCTION

This progress report is focused on the Research Sub-committee. In its terms of reference, the research Sub-committee was given a broad mandate “to conduct research on modern constitutionalism. The scope of the research shall guide the constitutional review committee in designing a frame of government consistent with the culture of Sierra Leone”. In pursuance of this mandate, the Research Sub-Committee developed a methodology based on comparative research and public consultation. To further proceed in an effective manner, the sub-committee further devised a work plan that was divided into the following phases, which was to be executed concurrently-

- Desk review of the content of the 1991 constitution- during this phase Sub-committee members will look at the key themes within the 1991 constitution. Such findings would then be juxtaposed with the recommendations contained in the 2008 Constitutional Review commission report and other comparable jurisdictions;
- Public consultation phase – during which the committee will engage with stakeholders and the public to solicit their views, and determine the views of the Stakeholders/public on the Constitution;
- Expert engagement—during which the committee will engage experts for clarification of constitutional matters.
- Report writing stage- during which the commission will make an analysis of the views and opinions of stakeholders and the public and to prepare reports and other documents as appropriate in response to those views.

This report details the progress of the Research Sub-committee from October 2014 to date. It also highlights some of its challenges in implementing its mandate and proposes ways by which its central role in relation to the review process could be optimised. Part I and II of this report cover the committee’s work with regard to the content review of the 1991 Constitution and its progress in
relation to stakeholder/public consultation respectively. Part III covers the committee’s engagement with experts whilst part IV highlights some of the committee’s challenges.

Sub-Committee’s Work/Activities During the Period Under Review

During the period under review the Research Sub-committee concurrently undertook stakeholders/public consultations and conducted a desk review of the 1991 constitution.

Comparative Legal Research

Members of the research sub-committee were assigned various tasks including, conducting an in-depth research into various themes in the 1991 constitution. Specifically, Sub-committee members looked at the following key themes namely: the fundamental principles of state policy; Recognition and Protection of fundamental human right and freedoms of the individual; the Executive; The Legislature; and the Judiciary. The findings therefrom were then juxtaposed with the recommendations contained in the 2008 constitutional commission review report and other comparable jurisdictions like Ghana and Kenya, Uganda and South Africa. The purpose of the exercise was to identify the weaknesses in the 1991 constitution and also to highlight the reform options for the relevant sub-committees to consider. The various papers are being finalized by the Legal Technical Advisers attached to the Research Sub-committee for submission to the relevant sub-committees.

Stakeholder Consultations

During the period under review the Sub-committee held several consultative meetings with various stakeholders that were carefully identified and selected as a result of the central role they play in the implementation of the 1991 constitution. The purpose of these meetings was to elicit the views, comments and opinions of the stakeholders on the content of the 1991 constitution or the way it has been implemented. To date consultations have been held with the following stakeholders:

- The Office of the Chief of Staff
- The Office the Secretary to Cabinet
- Office of the Secretary to the President
- The House of Parliament

During these meetings, stakeholders were asked to share their views, comments and concerns about the content of the constitution or the way it has been implemented. Concerns/Issues were raised which relate to specific provisions in the Constitution. Appendix 1 details the concerns/issues that were raised and discussed.

Currently the LTA’s assigned to the Research sub-Committee are engaged in aggregating the opinion, comments, and views of the stakeholders into constitutional principles for appropriate action.
Expert Engagement

During the period under review, the Sub-committee had cause to engage with experts for technical assistance on constitutional review processes generally and specifically on research methodologies. As at the time of this report, the sub-committee had benefited from over four training workshops on review processes and methodologies. Details of the workshop/training are provided in annex 2 of this report.

Some of the Challenges encountered by the Committee in carrying out its Mandate

The central role of the research sub-committee cannot be over emphasized especially as it is the repository of information for the committee as such the lynchpin between all the sub-committees. This is an inherent challenge on its own, for the Sub-committee in carrying out its mandate. In addition to the aforementioned, the sub-committee has also encountered other challenges which are highlighted as follows:

- Insufficient human capacity to properly carry out its mandate

There is no gain saying that the sub-committee is not adequately resourced human capacity wise to enable it to properly carry out its functions. Currently the sub-committee is composed of barely five (5) active members, two (2) Legal and Technical Advisers (LTA’s) and three (3) support staff. As a result of the inadequate human capacity, the LTA’s have to serve both in their capacity as LTA’s to the committee and members as well.

- Inadequate mechanism for interaction with other sub-committees

Notwithstanding its lynchpin role, as at the time of this report, the sub-committee continued to suffer from an inadequate mechanism for interaction with the other sub-committees. This status quo has left each sub-committee at witlessness on the works and progress of other sub-committees.

In noting these challenges, the sub-committee is proffering some suggestions on what strategies and mechanisms that may need to be put in place to address these challenges and eventually enhance the work of the sub-committee.

What needs to be done to maximize the work of the Subcommittee

- Create mechanism for cooperation and interaction between the research sub-committee and other sub-committees.

- Increase the technical and human Capacity of the Research Sub-committee.
The Chairman in his introductory remark, thanked the chief of staff for honouring our invitation on such short notice. The chairman informed the meeting that the purpose of the meeting was to elicit views, comments in relation to the content of the 1991 Constitution and its implementation and also to access relevant Government policy document that could be useful to the Constitutional Review Committee in their deliberations.

The chairman in his introductory remark emphasized the importance of the review process and how participation and input from relevant stakeholders could help bring about a document reflective of varying shades of opinions of the entire populace. He emphasised the centrality of the Research Sub Committee in this all important process.
Issues Discussed

Below are some of the issues that needed to be taken into consideration:

1. Powers of the Executive in relation to appointment
2. Term of office of the President
3. Accountability of Democratic Institution
4. Whether the office of the chief of staff should be included in the constitution

FIGURE 2: THE CHIEF OF STAFF DISCUSSING WITH MEMBERS OF THE COMMITTEE

FIGURE 3: CROSS SECTION OF THE COMMITTEE MEMBERS
The chairman of the research sub-committee, Ambassador Yansaneh in his opening statement, explained the mandate of the CRC which is to look at the 1991 constitution in tandem with the Peter Tucker Report on the constitutional review. He highlighted the importance of the office of the cabinet secretariat as a repository of relevant information that will be of interest to the CRC.

In his response, the cabinet secretary noted the importance of the review and maintained that this process will be relevant in structuring the management of the Civil Service as it has certain inconsistencies. He cited sections 67(2)(a) and 68(3) of Act no 6 of the 1991 Constitution as inconsistent provisions. He stated that a special provision which regulates the office of the Secretary to the President including his appointment has to be created in the constitution. He cited criteria to the office which should include:

1. Competency and good knowledge of the public service
2. Must have worked at the provinces for certain number of years to be familiar with the traditions and values of the society.

Dr Suurur maintains that Presidential Appointments should go through rigorous recruitment process.
Appointment should not be based on compensation but should be based on competencies and the ability to deliver.

He proposed a change of the name “head of civil service” which he considers a misnomer to “head of public services”. He said “somebody cannot be managing the service and somebody else advising the president on public service matters”. He noted that the cabinet secretariat has not been very efficient as a result of that.

He stated that offices created by the President are temporal and except they are embedded in the constitution will remain temporal. Another President may decide to close these offices or change the entire management, destroying the institutional memory that might be necessary for them to perform.

He also stated that the policy unit should be at the cabinet secretariat as it is the most permanent institution at the center of government and the competency of government should be facilitated by the secretariat.

With regards the relationship between the Permanent Secretaries and Ministers, he said “there should be clarity of roles and powers and where this is lacking, discretion will always come into play as where there is discretion there is the likelihood for abuse, culminating into corruption”.

On the issue of independence of the judiciary, the executive should be given authority to intervene in cases where there is misjudgment or miscarriage of justice and that the constitution should create a provision that mandates the chief justice to go to Parliament and answer queries.

Talking about the Human Resource Management Office (H.R.M.O) and the Public Service Commission (P.S.C), he said all over the world the role for PSCs is to take on an oversight role dealing with evaluation systems, disciplines etc. He said the introduction of the Public Service Commission was to augment the roles of Cabinet Secretary and Heads of Civil Service. They recruited based on the mandate given to them by the constitution and replicated all the structures that had been introduced by the HRMO into the PSC

He also proposed the setting up of a presidential team who are not appointed politically. The Presidential team will serve as a guide to various Presidents for the continuous flow of government.

There were also some general discussions on issues of the various acts of parliament which seem to contradict each other. And this was said to be as a result of lack of enough trained and qualified legal drafters due to poor conditions of service.

He promised to do some research to see how his secretariat can secure some of the relevant documents for CRC. He also promised to send a position paper which we have already received.

The assistant Secretary to the President emphasized the need for checks and balances amongst the various arms of Government.
In his response, the Chairman emphasized the importance of the Institutions than the persons occupying these institutions as at any time the individual leaves, the institution remains with the ideas and records.

FIGURE 5: GROUP PICTURE AFTER DISCUSSION
The Secretary to the President in his response, highlighted some grey areas that need to be addressed in the Constitution.

One such area is the conflicting roles of the Cabinet Secretary and that of Secretary to the President. The section covering these two positions is a hybrid one created merely for political convenience. He noted that with the enactment of the 1991 Constitution, these powers were separated. However, there still exists a seeming gap between the expectations of Secretary to the President and the Secretary to the Cabinet. According to him if there are not experienced actors, it would be a recipe for conflict.

He stated that the roles should be distinctly spelt out in the Constitution.

In his comment on the Public Service Commission (P.S.C) he noted that the commission has the statutory mandate to supervise Commissions within the civil service. He maintained that even though the PSC is the statutory body charged with the responsibility of supervising all other commissions within the Civil Service, other Commissions are out rightly refusing to be supervised.
The Secretary to the president strongly recommended to the Research sub committee to look into these grey areas regarding the relationship between the P.S.C and the other new Commissions that have now come into being.

He made reference to President Koroma’s performance management system which has given rise to new creations that metamorphosed into Strategic Policy Unit (S.P.U). He said the S.P.U mainly looks at the performance tracking tables and that the kind of policy strategic thinking that would help the President is lacking simply because the focus is on the monitoring of what ministries are doing. The original idea behind the setting up of the S.P.U, was to have people with wealth of experience who would go out and do stakeholder analysis. He advised that people with independent minds should be involved as they would be able to advise the president on how they perceive things.

He stated the need to have a Strategic Policy Unit which will not only be focusing on monitoring and evaluation, but should be in the position to do some strategic thinking that will help the President to effectively run the country.

Several other questions put to the Secretary to the President included

1. His opinion on the presidential term of office to which his answer was for the two term to remain
2. The age limit of Presidential candidate to which his answer was 40 years
3. His opinion on the separation of the Office of Attorney General and Minister of Justice which he favored.
4. As to whether there should be laid down criteria on the creation of new ministries, the Secretary said that the president has the right to form his cabinet and there is no limitation in the constitution restricting the President to only ministries that have been in existence. And he thinks if there is to be any criteria, then the first criterion should be the need for the creation depending on the prevailing circumstance as well as the available resources and personnel.
5. On minimum qualification for appointment of ministers and deputy ministers, to which his answer was at least basic literacy.

FIGURE 7: THE SECRETARY TO PRESIDENT GIVING HIS OPENING REMARKS
FIGURE 4: THE CHAIRMAN, SECRETARY AND ANOTHER COMMITTEE MEMBER TAKING DOWN NOTES
The Chairman in his introductory remarks explained the purpose of the meeting which was to engage a cross section of Members of Parliament including the Speaker, Deputy Speaker, the Majority and Minority Leaders.

The meeting was very fruitful and certain provisions of the constitution were adequately handled. Key issues discussed were:

- The “right to recall” provision: where the people have right to recall their Members of Parliament for falling short of the expectations of their constituents. Such powers will make Parliamentarians more responsive to the needs of their constituents. This will enhance accountability and good governance. The Deputy Speaker however had a contrary view on this. According to him, it was a brilliant suggestion but that it is not applicable at the moment considering the low level of education in Sierra Leone. He said there is already an alternative to that in the constitution that is under review. Court actions against MPs for behaviors which are in his words “unparliamentary”.

- Residency requirement for contestants at National election was supported by the MPs for inclusion in the constitution. A minimum requirement of two years was proposed.

- Democratic institutions should be empowered by clearly defining their roles in the Constitution.

- The percentage of votes cast: Majority said that the 55% is difficult to attain, not cost effective and the tension and apprehensions of going into a run-off. So all but the deputy minority leader agreed that 50+1 would be more appropriate.

- A suggestion that the type of electoral system should be changed was also proposed.
Consultation with the people before passing bills in parliament: on this, the speaker made it clear that they normally do such consultations on certain bills depending on the nature of the bill.
The workshop commenced with an introduction of the facilitator of the workshop, Mr. Sengu Koroma.

In his opening statement, Mr. Koroma maintained that the purpose of the workshop was to inform our minds about Research Methods and Methodologies to be deployed in carrying out research on relevant themes pertaining to the Review Process. He further espoused on how the committee can handle views elicited from stakeholders and the public on constitutional matters.

A clear distinction was made between research methods and research methodology.

Having gone through the types of research, special emphasis was laid on quantitative research which involves collecting, analyzing and interpreting data by observing what people do and say, and qualitative research which deals with a small number of respondents, e.g. interviewing key stakeholders who have wealth of experience in particular fields. It also includes library and internet research.

**Suggestions**

The facilitator advised members that both qualitative and quantitative (mixed methods studies) are suitable for CRC as these methods are now popular in most constitutional review processes. Under these methods, the steps to be taken in the research process should be:
A comparative study with countries that have sustainable provisions worth adopting.
- Conduction of interviews with various stakeholders who were part of the past Constitutional Review process (past and present) to seek their views on the strengths and weaknesses of the constitutions.
- A thorough study of the various interpretations of certain provisions of the 1991 constitution of Sierra Leone by the Supreme Court to avoid ambiguity.
- An examination of all submissions made by members of the public to determine whether the proposals made therein are consistent with the culture of Sierra Leone.
- A focus group approach by receiving specialist submissions from various interest groups and professional organizations.

**How can the committee handle diversity of views and Recommendations**

I. By creating a system of analyzing, coordinating and harmonizing the recommendations received by individuals, groups and communities.

II. By creating a mechanism to solve disagreements as to what views to incorporate into the research report.

III. The views received should be handled in a transparent and accountable manner and in the end properly analyzed. This would ensure that the outcome of the process reflects the views of the public.

IV. Finally, by ensuring full public confidence in the process, the statistical analysis of views and recommendations received must be made available to the public.

**Other issues that were also extensively discussed were:**

- The budget and autonomy of the Judiciary
- The issue of Diaspora involvement in the politics of Sierra Leone
- Citizenship
- More importantly, the constitution should not have anything in it that will seem to promote religion, tribe and ethnicity. And this was unanimously agreed by members.

It was also agreed to have one more workshop on the same subject on a time that will be communicated by the Secretariat later.
Mr. Coker opened the floor, introduced the sub-committee and explained the purpose of the workshop.

The moderator of the discussion, Mr. Gibril Sesay, started his presentation by saying that research on constitutional review is about asking the right question in the right way from diverse constituencies and inputting the right information in a way that is most reflective of the general opinions of emerging principles on constitutionalism into a document. He said the practice adopted now by most liberal traditions is modern constitutionalism, one based on limited government to ensure that powerful states don’t violate the rights of people. This practice tries to constraint the actions of these powerful states by constitutional mean.

He stated another way of looking at the constitution from the left social democrats who look at constitution as a basic reference for rules and systems for empowering nations to deliver on socio-economical gains. He said constitution making usually tends to be balanced in favour of the powerful actors at the time of its creation. It is about power gain as to who gets what. Therefore, we should look at our own constitution to see whether it is as such and if so how do we ensure that, that weight of the powerful does not lead to a situation where the constitution itself cannot constrain their own behavior.

He went on to say that the constitution of Sierra Leone is written in a form of “literocracy” largely in favour of a class of literates which already limits democratic participation. And in another sense, it is written in favour of certain sections of the literate community itself. Because of the power gain, they usually have greater voice in the whole discuss of the constitutional development than others. So each of
those groups of the literates, stake out their claims in terms of assertions that they are speaking in the interest of the people or in line with certain democratic principles.

It should also be noted that in as much as constitutional review is a political process, there could also be an extra-political process influencing constitution making. He stated that constitution is both an art and a science. A science because those involved in the process apply certain principles based on their understanding of those particular principles. But also an art because based on these principles that must appeal to the peoples sense of ownership and legitimacy.

The facilitator highlighted certain relevant questions that need to be understood in the constitutional review process. These questions include the psyche of Sierra Leoneans, what are people’s attitudes towards the constitution, what is the extent of constitutional literacy in Sierra Leone, which aspect of the constitution are people more literate in, how do we ensure sufficient level of constitutional literacy in order to render the process relevant and authentic, how do we ensure the legitimacy of the constitution and what gives legitimacy to the process.

He also spoke on the difference between constitution and constitutionalism. The latter refers to the adhering to certain best practices in the making of constitution. As we go about researching on constitution, we should have certain principles in mind such as putting all the powers in one person, or organ, one that will create very unaccountable elites, one that is not based on the rule of law, and one that does not protect minority interest. Such constitutions he said are not based on constitutionalism. We as researchers therefore need to know these tenets of modern constitutionalism before we can ask the right questions which must be informed by some of these issues. This helps the process and it is not only about asking the right questions, but also about avoiding pitfalls.

On constitutional theories and research, he said this is more often comparative across time and space. Across time compares constitutions even if within the same country but of different historical make-ups; and across space compares the constitution of one country with another country. Theories of constitutional developments were outlined as follows:

- The institutionalist approach—looks at how the constitution reflects the structural bases of society and social cleavages.
- The cultural approach—looks at cultural integration and customary practices.
- The actor centered approach—is centered on particular actors on the rules of the game.

**Reasons for Constitutional Reforms**

These were highlighted as follow:

- Response to governance challenges
- Ideational reasons—relating to ideas such as human rights, the rule of law etc. to ensure greater protection
- Power politics—strategic considerations, protection of political interest and preservation of hegemonies
The facilitator also said that public participation in constitutional review does not only refer to quantity but also the variety and quality of the discussion. This means that it is not just about increasing the number of participants but is also about ensuring diversity of actors and the taking steps to include the views of marginalized sectors of society.

**Reasons for participatory Research Methodology**

These include:

Democratic theory consideration—a participatory research on constitution can only be done in a country that is democratic and is all about enhancing the whole question of democracy itself, meaning if the end product is about that, then the process itself should lead to it. The process should engender free discussion by making people not be afraid of speaking out.

How to create a domination free space ensuring that one person does not dominate the entire process.

How to strike a balance between order and chaos.

How do we define who participate. This shall be done in such a way that there is diversity of views.

![FIGURE 18: THE FACILITATOR RESPONDING TO QUESTIONS FROM THE RESEARCH SUB-COMMITTEE MEMBERS.](image)
After the Executive Secretary led members in prayer, the facilitator, Mr. Gibril Sesay, briefly recapped the previous engagement. In his introduction, he said that researching for constitutional review is a social research involving both qualitative and quantitative though a mix of them usually occurs for a good result. He stated that it could also be based on the positive and anti-positive thinking which is different from that conducted in the natural sciences on inanimate objects.

He also mentioned the structuralist and the agency research. The former looks at the structures and institutions of society and how these affect society itself. The agency approach looks at how particular people affect particular processes for example, somebody heading an agency influencing the way that agency is run instead of the other way round. Under this approach, he cited two types of jurisprudence by which the judiciary can interpret the constitution. These are the executive and the right based jurisprudences. The right based jurisprudence talks about the interpretation of laws and constitutions that promote rights. The jurisprudence of executive authority refers to those interpretations of laws that tend to pamper the wishes of the powers that be.
Purposes of Research

- Exploratory—this is not a full research. It is just to establish or explore the feasibility of conducting that particular research. The exploratory normally goes with the “can” question.
- Descriptive research is meant to describe a phenomenon just as one sees it.
- Explanatory seeks to go beyond descriptive to explain a concept and it often goes with the “what” question where as descriptive goes with the “how” question.
- Predictive research is done for the purpose of predicting certain forms of behavior.

Social science research according to Mr. Sesay, also involves operationalisation. Meaning it is about making propositions capable of being empirically evaluated—making a particular assertion and defining the terms of the concept. There is also observation which is the actual collation of data after the concept has been operationalised. Hydrographic explanations focus on unique characteristic of a particular event, i.e. what makes something unique. E.g. what are the unique causes for constitutional change in Sierra Leone? A mix of unique factors like the war, and the T.R.C report can be examples of this. There is also the homothetic research system that looks for the general features of constitutional changes across the world.

He also touched on certain ethical issues to consider when carrying out a research. Some of these issues are: informed consent—in a social science research where human agents are concerned, the consent of respondents must be sought before venturing out. There is also what is known as beneficent which implies doing no harm. Your research activity must not infringe on people’s rights because the objective of every research should lead to the mitigation of problems.

Sampling is a very important aspect of research. It is about taking part of a population in order to know the characteristic of the entire population. The various forms of sampling include random, cluster, stratified and systematic samplings. The non sampling methodology is for convenient purposes and it is also known as the snow balling sampling.

Also important is the content analysis—looking at the document to see what is needed. It involves the texts/writings, images, cultural objects, recordings e.t.c.

Other methods include participant observation. This has to do with going to the field and being part of the group under study and doing what they do as you observe, so that you can gain firsthand knowledge on the issues you are researching on.

The analytical induction method is about looking for systematic explanation of similarities and patterns or universals in a particular social phenomenon.

There is also the case study research methodology that looks at a particular phenomenon and decides to study it holistically.
Ethnographic method is the systematic and indebt study of people and culture, and there are two types—the realistic ethnographic study which deals with objectivity or description in the third person form without being sentimental. In the critical ethnographic orientations research, the researcher goes to the field to study a particular phenomenon that is thought to be disempowering that particular society in order to use their own knowledge to empower that society.

He also talked about the structured, unstructured and semi-structured interviews. The structured interview goes with a list of orderly structured questions and it is more akin to questionnaires. The semi-structured interview also takes on board a list of questions but not asked in a particular manner. Then the unstructured interview could be in the form of ordinary discussions with respondents, having in mind what you want to get from them. Such interviews normally go with open-ended questions. But for the purpose of the constitutional review the semi-structured interview could be more appropriate. Focus group discussion is also very important for this type of research.

There is now an emerging methodology known as “the most significant change” research methodology. It involves the generation of significant change theory which presents a list of items on different issues for people to choose from among the options, the most significant change they would want to see, and ask another small group to select from among those most significant questions which are the most significant. And when they are all collated, they then form the basis for discussion and the final report.

All of these research methods are nevertheless better together, according to the workshop facilitator and this leads to data triangulation. This is done by looking at different data from different people and tries to see how they back up each other or whether there are significant differences among each of these data which is better than just having your explanation from a single data source. That usually will not yield the most significant explanation of a particular phenomenon.

Investigator triangulation does not only rely on a single investigator’s story but to get the views of various investigators so as to have a better account of the event.

The theory of triangulation looks at various theories and triangulates them in order to have insight about a particular society. Method triangulation uses various research methods in order to get to the bottom of what you want. The facilitator concluded his presentation with an advice for the sub-committee to have a research design that will guide the sub-committee.

Questions were raised by members and the chairman, Ambassador Yansaneh gave the vote of thanks. Date for next engagement was set for the 19th December 2014.
The facilitator introduced research design as the topic for the day after given a recap of the last engagement. He looked at the parameters and ideas of how to actually go about having a research design so that in the next meeting the sub-committee will try to see how these ideas could be put into a collaborative way for this activity so that whatever is done could be checked against that particular design. By this way it would be seen whether the committee’s activities fit into the research plan at hand or whether the research plan fit into the overall object of the CRC process itself.

He gave a brief definition of a research design as a systematic plan to study a phenomenon. It functions to ensure that data obtained addresses the research problem. He added that the basic object of research plan is to ensure that whatever is found out there fits into the research problem at hand. For example, since the constitution needs review because it has some issues needed to be addressed, these issues therefore, form the research problem. In trying to get the research plan, he said we need to ask ourselves what the research problem of the CRC process is. He said it is all about basically looking at the constitutional text and the practices. So it informs the CRC process in Sierra Leone to evaluate those texts and practices as to their importance to democratic principles such as good governance, human rights etc.

The research problem according to the facilitator could be an array of problems that is the things that we are looking for in this constitution to address and also look at the practices in order to interrogate them for good governance practices and whether they fit into some of the basic tenets of modern constitutionalism.
The other thing is to basically browse people’s opinion about constitutional texts and practices in this country to understand the aspects that look good as well as the challenging ones and what would be their recommendations as to the challenges involved in these constitutional opinions.

We also look at institutions that are modeled by this constitution itself and see whether the practices of these constitutional institutions fit in with the spirit of the constitution as it exists or whether they fit in with certain principles of other constitutionalism. So once we have these research problems defined, then we would be able to ask series of research questions based on the problems. The research plan also describes the types and sub-types of research in the plan itself. He said we need to have an idea of the type of research we do carry out. He also talked about the literature review and the systems review; the former referring to the text and other relevant documents and the latter referring to the institutions that are there and being talked about by the constitution.

**Assignment for the Sub-Committee**

- Members should try to fashion out a research plan in their own ways so that in our next engagement we discuss what people think about the various methods and then see where they compare.
- We should also try to generate as much questions as we can so that those questions will be categorized.
- We should also have a map of stakeholders both past and present occupants of the different state institutions and ask their opinions on the constitution.
- The interviews done with the various stakeholders so far should be categorized according to the different methods.

The facilitator made an important observation that the research sub-committee is much based on volunteerism. He said there should have been people employed to basically service the whole process.