

**SPEECH DELIVERED BY CLLR. GLORIA MAYA MUSU SCOTT ON OCTOBER 5, 2012 AT
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Distinguish Ladies and Gentlemen, the Committee has sat and deliberated on the task at hand. Each of us has internalized and processed the mandate of the Committee and the high expectations for the outcome of the Committee's work.

The entire membership of the committee has concluded that this national duty and responsibility shall have impact and effect on posterity.

Because each of us has a reputation, image and credibility to protect, we have resolved that we shall perform this task in such a manner that the public will have confidence in the process and own the outcome. All of us have a sense of humility to have been selected to perform this critical national task, which if performed with the conviction and dedication to advance the national good, could give a positive direction to this nation and directly impact the happiness and wellbeing of its citizens for decades to come.

We are aware that our work could promote and contribute to national reconciliation and reaffirm the national consensus that "this nation shall know war no more."

So, we are embarking on this venture armed with the mandate ..."to review the 1986 constitution and pursuant thereto make recommendations for the amendment of the constitution...", the conviction that public participation and consultation is critical to the success of this process and our determination to perform this assignment in the best interest of this nation and its people.

Distinguish ladies and gentlemen, as you are well aware, Liberia is an old nation and consequently has experienced several organic documents for its governance. The American Colonization Society in May, 1825 published the Constitution for the Government of the African Colony at Liberia, the Plan for the Civil Government of Liberia and the Digest of the laws which were in force in the Colony of Liberia.

This Publication included the 1820 constitution. On January 5, 1839, the Board of Governors of the American Colonization society adopted the Constitution of the Commonwealth of Liberia. In all cases, these constitutions and laws were ratified by the citizens of the various settlements in Liberia, before becoming applicable and enforceable.

On July 26, 1847, delegates in convention assembled, representing the first three Counties of the Commonwealth of Liberia namely; Montserrado, Grand Bassa and Sinoe, signed the Declaration of Independence and subsequently on September 27, 1847 a Constitution for the Republic of Liberia was approved by the citizens of Liberia.

On April 12, 1980 the 1847 Constitution was suspended and subsequently abrogated in article 95 of the 1986 constitution. We have examined the 1847 Declaration of

Independence and its accompanying constitution and the 1986 constitution and we note there are clear similarities. The 1847 organic documents recognize natural and inalienable rights to life and liberty, the right to acquire and own property and the right to self-government.

The 1986 Constitution asserts the right to exercise inalienable rights including the right to self-government for the purpose of equality and access to economic opportunities and social and cultural advancement.

Distinguish Ladies and Gentlemen; we believe the restatement of these fundamental rights in the two constitutions convey several messages.

- (a) These rights remain eternally fundamental and so extremely important and therefore must be retained in each Constitution; and
- (b) These rights though enshrined in the 1847 Constitution were repeated in the 1986 Constitution because these rights were still out of the reach of people even after more than 135 years of independence.

The Committee believes it is more because of (b) that these rights were repeated in the 1986 Constitution. The question is what prevented the free exercise of these rights up to the 1980 Coup d' tat in 1980? We believe that the frequent abuse of the legislative power to remove from office a judicial official with a favorable vote on a joint resolution without due process and also the abuse of the power of the legislature to suspend the Writ of Habeas Corpus during periods of emergency undermined the independence of the Judiciary and hindered the exercise of fundamental individual rights.

Another major abuse under the 1847 Constitution was the amendment which allowed and permitted the unlimited term of office by the president and the Constitutional requirement that only persons who owned real property could vote. Citizens were excluded from participation in the political processes under the authority of the constitution; the abuse of fundamental rights and the threat to the independence of the Judiciary were also permissible by constitutional provisions.

All of these abuses were remedied under the 1986 Constitution. The legislative power which approved the removal of judicial officials thru Joint Resolution was excluded; the Writ of Habeas Corpus remains effective even during the periods of Emergency, and universal suffrage was granted to all persons 18 years of age and older. Also, a person elected to the office of President could serve not more than two terms of six years each. The 1986 Constitutional provides that even If this Constitution Provision was duly amended thru referendum, the incumbent President would be ineligible to benefit. Thus the unlimited stay in office was curtailed.

The logical question is if the 1986 Constitution has these safe guards and protections to ensure a free society, a regular transfer of power and universal suffrage, why is there a need to review this Constitution which was approved 26 years ago?

This is the Committee's response. You will recall that violence which engulfed the entire country started in December 1989. Between 1989 and 1997, extra Constitutional measures and actions were executed in the search to end violence and hostilities.

The Constitution was restored in 1997 and relevant portions of this document were suspended in October 2003 and restored again in January 2006.

The point is, during these periods of violence and hostilities questions of other political and economic rights and other realities have become glaring.

For example, Should further action be considered to limit the extensive Presidential powers of appointment? Is there a need to reform the Electoral laws? Should the equal participation of women in politics and national affairs be guaranteed in the Constitution?

Is there a need for educational qualifications for candidates vying for public office? Who is a Liberian citizen? Can a Liberian citizen have dual citizenship? Should the Constitutional residency and domicile clause remain? Can persons of non Negroid descent become citizens and consequently own property? Should superintendents and other local government officials be elected and consequently become accountable to the people they govern?

Should Constitutional Procedures and mechanisms be instituted to hold Judges accountable for wantonly and flagrantly abusing the rights of party litigants thru total disregard for the law and its processes? Should traditional/tribal leaders be elected or selected? Should the role of traditional leaders in the governance structure be protected by constitutional provisions? Should private land owners be entitled to resources discovered on and beneath real property (ies) which they own?

These questions and many more are being discussed and debated. These questions are live and have daily implications on our lives. The undercurrents of many of these questions are equitable distribution and benefit from the resources of this country and the utility and availability of quality social services and facilities and durable infrastructure.

We therefore remind leaders of Political Parties and leaders of Civil Society that all of us are now situated by providence and destiny to perform this national duty. All of us have to keep our ears to the ground and we must have the integrity to articulate the people's view. We also therefore call upon all Liberians to participate in this dispensation to review the 1986 Constitution and become a part of the process to ensure a more just society which facilitates equal access to economic opportunities. The Committee looks forward to your participation and your partnership in achieving its mandate.

Thank you for your attention and May God bless the work of your hands and all your endeavors.