

Keynote Statement
by
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Marking the Opening of the National Constitution Conference of Liberia
Gbarnga City Hall
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[As Delivered]

Thank you. Please sit down.

Here, in the heartland of the nation, we launched a series of initiatives designed to renew and refocus our country's institutions. Vision 2030 is a long-term perspective study undertaken by Government as part of its national reconstruction agenda. Following a rigorous exercise that was both knowledge-based and entailed various mechanisms of public consultations, a Vision Statement was adopted at the National Vision Conference right here in Gbarnga in December 2012. The adopted Statement of "One People, One Nation, United for Peace and Sustainable Development" remains our expression of faith in our country's future and our commitment to mobilize human and material resources to achieve our aspirations. One such aspiration is our governance norms and institutions, norms and institutions frayed by structural inequalities, skewed power relationships and conflict. One of the measures in the implementation of the National Vision is our governance Decentralization Policy. We have already started, but cannot achieve the desired objectives without appropriate constitutional amendment.

We gather here today to learn what our people have been saying about our Constitution and how it might be improved to further their aspirations. We also come to carry forward the review process in strict adherence to the Constitution now in force.

Some two and a half years ago, we constituted a Committee of six distinguished citizens in close collaboration with the chairpersons, respectively of the statutory Governance Commission and the Law Reform Commission to lead a national process of review of our current Constitution with a view to ensuring that it speaks to the needs and aspirations of contemporary Liberia and Liberians. We charged them to consult with our people broadly and widely. We also charged them to avail themselves of the critical resources of the Governance Commission and the Law Reform Commission.

The Constitution Review Committee has now returned to us with a set of reports, which incorporate a series of proposals from you, the people, about possible changes and other adjustments in our Constitution. We wish to make it clear at the outset that the question of constitution review does not stand alone. It is situated in the broader framework of Government's reformation and transformation agenda.

Our effort at carrying forward the constitution review part of governance reform has clearly not moved as fast as we would have liked. Competing priorities and other distractions slowed the process. But we were determined not to let up on this critical matter. Even more recently when the sailing seemed smoother for constitutional review, the nation as a whole was hit with the Ebola virus. We praise God that through His grace,

the resilience of the Liberian people and decisive action on the part of the world community, we are almost back on course. We are back on course not only in terms of completing the constitution review process, but also carrying to the finish line our recalibrated Agenda for Transformation.

What is constitution review? It is first an appreciation by the citizens of the organic law by which we are governed. Given our contemporary history, or our history of constitutionalism, our understanding must come in the context of our present needs and aspirations.

Why review the constitution? Why did we constitute the Constitution Review Committee? We did so because the Liberian people through a series of national consultations made clear and their desire for significant changes in the constitution. National consultations including Vision 2030, Land reform, and the Decentralization initiative, to name but a few, revealed the strong desire of our people to see adjustments made to the constitution in consonance with the reforms emanating from the various national initiatives.

What specifically were people saying? They desired changes in governance arrangements in all three branches of government, as well as the addition of norms and values heretofore not historically reflected in our organic law. Add to this, the message of hope and renewal embedded in the Accra Comprehensive Peace Accord of August 2003 that marked an end to our fratricidal conflict.

How do we accomplish a constitution review? Some of us who make a distinction between constitution making by “founding fathers” or the traditional approach, and the new constitutionalism. The traditional approach seemed designed from on high with little popular input. The old approach, no doubt served the purposes of past eras. Our present age demands this new approach. It ties in with our infant democracy, dispensation/democratic aspirations. We embrace a relatively novel and participatory approach to constitution making and to constitutional change. This prevents any notion of executive or presidential manipulation for any purpose whatsoever. The new constitutionalism is a transparent communicative forum for political reform. Its key characteristics include:

- A body tasked with educating and consulting citizens on proposed changes, and also gathering and processing popular feedback prior to incorporating it into the final draft amendments.
- Civic education phase – education on role of constitution in national society, constitution options, etc.
- Popular consultation phase – nationwide dialogue.

In brief, the approach of public participation, the heart of new constitutionalism, is bipartite, and incorporates civic education and popular consultation – reaching the length and breadth, all the nooks and crannies of our country, inclusive of our citizens living abroad.

So, what are we deriving from this intense and elaborate process? What is the thrust of the Review? What in fact are Liberians saying?

Liberians seem to be saying the following:

1. On Fundamental rights, liberties and responsibilities; they are speaking to citizenship, property rights, natural resource rights, customary land rights, cultural rights, women's equality and participation, children's rights, and the rights of persons with disabilities, etc.
2. On the Powers of the three Branches of our government, they express concerns about the Legislative Branch regarding such issues as term limits, qualifications for legislative aspirants; they express such concerns about the Executive Branch as the perception and reality of the "imperial presidency" and the imperative of devolving power to the people in their localities; they also express concerns about the Judicial Branch as a system, which ensures protection of the people and enjoys the confidence of the people.
3. On Independent Constitutional Bodies, such as an Electoral Commission that is more explicitly independent of any constituting authority; a Liberian Anti-Corruption Commission that upholds integrity and a Judiciary Commission, which ensures the rights and civil liberties of all Liberians are protected under the law.
4. On Traditional Authority, they speak of new norms to be enshrined in the Constitution about the selection of chiefs emphasizing traditional protocols, and the recognition of indigenous ethno-linguistic groups in the Constitution as means to further national identity and integration.

Mr. Vice President, Mr. Speaker, Associate Justices, let me observe how the various reports from the Committee, the process that has taken so many months by the Constitutional Review Committee reveal that the Liberian people have indeed spoken their minds. They gave full vent to their feelings about how they are being governed, making clear the explicit changes they would like to see. Given the wide range of issues raised and discussed, the Committee has wisely categorized what the people are saying into:

- Issues requiring Legislative action
- Those requiring Executive action
- And those that fit the bill for constitutional amendment.

We must focus our attention at this Conference on issues for constitutional amendment. All of the other issues raised during the consultations are either already being addressed by the Government or will be addressed in due course.

I thank our people for availing themselves of the opportunity to freely and frankly express themselves as they have done in the interest and future of their country. I assure you that your Government hears you clearly and will act appropriately.

Now, the Way Forward:

- Phase One of process culminates in affirmation from the people of necessity to review and strengthen the Constitution, and thus make it more responsive to their needs. That's what this conference is all about.

- Phase Two: The Executive wants to assure the good people of Liberia that it will submit in a timely manner to the legislature a document reflects the concerns and aspirations of the people.
- Phase Three: Legislative disposition and submission of a set of proposals to referendum.

Finally, I appeal to all state actors to now play your role in the supreme interest of the people.

The end product should:

1. Ensure a revised/amended Constitution that the Liberian people can truly call their own because they would have fashioned it and made it is responsive to their deepest yearnings of “liberty and justice for all.”
2. Ensure a revised/amended Constitution that incorporates international norms that Liberia subscribes to as an engaging member of the international community.

Thank you! May your deliberations take place!