
Date: September 27, 2016
Background to the Constitution Review Process:

In 2012, the Governance Commission (GC), in compliance with its mandate to institute reform in both public and private sectors through designing and formulating appropriate policies and institutional frameworks required for the effective governance of the country, recommended amongst other things, constitutional amendment to ensure full adherence and compliance to best practices for a wholesome functional republic.

In furtherance of said recommendation, President Ellen Johnson-Sirleaf, in August 2012, established a Constitution Review Committee (CRC), comprising six eminent citizens. Former Chief Justice Gloria Musah Scott was named its Chairperson.

Mr. Deputy Speaker, Distinguished colleagues, pursuant to the CRC’s mandate, the committee, amongst other things, conducted consultations in all 73 electoral Districts of Liberia as well as in selected foreign countries where large numbers of Liberians reside. The nationwide discussion was climaxed with a National Constitution Conference in Gbarnga, Bong County, from March 29 to April 2, 2015 to carry out validation of the views collected from the field.

At said national conference, four (4) categories of delegates, representing different sectors of the Liberian population participated. They included (i) National Delegates, which were selected from Monrovia; (ii) Diaspora Delegates, which were selected from Australia, Europe, Ghana and the United States of America; (iii) County Delegates, which, for each county, comprised the Superintendent, persons with disabilities, the Christian Community, the Muslim Community and other citizens. From the above process, CRC compiled its report and submitted 25 propositions to the Chief Executive, Who on the 13th of August 2015, officially communicated same with the Legislature.

(ii) Introduction to the Joint Committee’s work:

On August 13, 2015, President Ellen Johnson-Sirleaf, wrote the speaker and members of the Honorable House of Representatives (in Session) submitting the 25 propositions from the Gbanga validation for prompt legislative action in line with the provision of Article 91 of the 1986 constitution. Said communication was read in Plenary on September 29, 2015 and same forwarded to the Committees on Governance: Judiciary and Elections & Inauguration for review and to have plenary advised within one week for appropriate actions. The committee on governance was made the lead committee.

At its first sitting, the Joint Committee laid out its work plan for effective work. Consequently, it agreed on a number of strategies and an implementation plan that would span beyond the one week given for the task.

(iii) Strategies:

In order to effectively implement plenary’s mandate, the Joint Committee conducted its activities using the following strategies to wait:

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1. Consultative meetings:

The Joint Committee conducted several stakeholder meetings with the CRC, Civil Society Organizations, Opinion Leaders amongst others, for the solicitation of their professional inputs in the review process.

2. A Legislative Retreat:

A five-day legislative Retreat, sponsored by the Leadership of the House of Representatives, took place between 17th-21st November, 2015 in Ganta, Nimba County.

The retreat started with a joint press conference by the CRC and Joint Legislative Committee in Monrovia. It brought together the House of Representatives' Leadership under the watchful eyes of Speaker J. Alex Tyler, and a 35-man expanded Joint Committee membership, which reflected geographic and gender balance. The retreat was facilitated by professionals representing different sectors of the Liberian Society to provide expert opinions for effective review and scrutiny of the 25 propositions. These facilitators included Ms. Kpukuyou, the secretary general of the Liberia Business Association (LIBA), who spoke on Dual Currency; Cllr. Nevada Ricks, who spoke on Gender Equality and Equity, while Hon. Ruth Caesar spoke on international best practices concerning women political participation. Several other facilitators and officials of Government were present, mainly at the opening. The Minister of Gender, Children and Social perfection, Chairman of the National Election Commission, Superintendent Fong Zuagele of Nimba County and others were present. Also in attendance were scores of Civil society actors, including the Election coordinating Committee; Liberia Media for Democratic Institute (LMDI) etc.

3. Public Hearing:

Following the Ganta retreat, the committee held two major public hearings at the Capitol Building. These public Hearings positively impacted the judgment of the Joint Committee on critical issues propounded by the experts, which included Cllr. Tlawon S. Gongloe, Atty. Alfred Brownell; Cllr. Gonsahn-Zeo Mensah; Hon. Blamo Nelson and several other Civil Society actors and eminent Liberians whose interventions helped the Committee in formulating its recommendations as presented below:

V. Findings:

Following the entire activities outline above, the committee disaggregated the twenty five (25) prepositions into four categories. They included A) those recommended for referendum; B) Those recommended for statues, and C) those recommended for policy formulation or reinforcement D) those deferred for further national consultation and E) those recommended to be simply ignored.

Further, considering that the pending referendum may be an opportunity for the nation in a long while, the committee deems it fit to include two other propositions outside of the original twenty-five, for referendum having found them to be germane to the consolidation of the Country's democracy. They include issues relating to a) curtailing multiplicity of political parties and changes in the date of national elections.
Recommendations:

A. Propositions Recommended for Referendum:

Given the need to have proper understanding of the prepositions recommended for referendum, the committee deems it necessary to provide brief explanation for each of them as follows:

1) Propositions 1-3: Reduction in the tenures of the President; Vice President; Members of the House of Representatives and the Senate.

Mr. Deputy Speaker, Distinguished Colleagues, given the level of support the issue of reduction in the tenure has among the Liberian people, the committee deems it appropriate to have it tested. It is the understanding of most people that reduction in tenure of elected officials would substantially reduce political tension and eventually lead to accelerated development of the country as it would lead to a regular infusion of fresh idea into the governance process.

2.) Proposition 7: Restricting Citizenship to only Persons of Negro Descent

Follow Colleagues, the committee, having reviewed the various technical and professional views of those contacted to speak on the subject matter, found out that this needed to be presented to the people for their decision. The civil education or campaign that would ensue will provide an opportunity to supporters and non-supports to take their advocacy at a bigger platform. For instance, there are those who believe that maintaining this law renders Liberian a racist country; a situation that isolates her from her neighbors in the comity of nations. There are also those who hold the view that when white people are allowed to be citizens, they will use their economic strength to take away the land from poor Liberians.

3.) Preposition 6: Rejecting Dual Citizenship:

There are varying views in support of or against this proposition. For instance, there are those who believe that once an individual decides to abandon his or her Liberian citizenship for another citizenship, said person should not be allowed to be citizen unless he or she abandons his or her other citizenship. On the other hand, there are those who are of the view that by allowing dual citizenship or having someone to be citizen of two countries, the country will benefit from the wealth and expertise of such person. These persons opine that the Liberia of today is as poor as it is because of closing its door against its own citizens who have acquired other citizenship, but are yearning to return to make their contribution.

4.) Proposition 18: Enhancement of Women Participation in Governance and National Affairs of the Country

The committee is of the view that an affirmative clause be placed in the constitution seeking gender equality and inclusion of minority groups in the national decision making. It states that though women issues have been varyingly addressed through several laws and the establishment of institutions, the need for having gender equality and equity guaranteed by the constitution cannot be over-emphasized. Similarly; the issue of having the participation of disabled people guaranteed in the constitution was seen as an assured way of elevating the status of our disabled brothers and sisters. The appropriate wordings of how these
Propositions will be presented for recommendation will be coined with the recommendations are being transformed into Legislative proposals.

6. Traditional People owning their own Land and Being Party to Any Negotiation with Investors or Concessionaires on Said Land.

During the public hearings, experts overwhelmingly agreed that most Liberians, mainly rural Liberians, are poor because of the manner in which the country's current land ownership is structured. They advised the committee that this proposition should be accepted and modified to have the customary land rights of the people equated to private property rights in the country. In this way, all minerals found on such land or proceeds from investment on said land should be shared by the Government and the owner as in the case of private property in accordance with details that are to be set by statute.

6. The date for election being changed from 2nd week in October to 2nd week in March of Election year.

It is the considered opinion of the Committee that having election in October means that all official campaign activities are to be exclusively done during the rainy season. Considering the tropical climatic condition of the Country, occasioned by heavy down pour of rains between August and October, nearly all of the non-paved roads in the country are usually damaged during this period, thereby making it difficult, if not impossible, for the movement of people and materials. Therefore giving such level of discomfort that said weather condition poses to people during the electioneering process, the committee wishes to propose the change of the date of election from 2nd week in October to 2nd week in March of each election year.

7. Election of Local Government Officials, including superintendent and commissioners

The committee is of the opinion that the current wave of decentralization in the country can be best served by providing an appreciable level of independence to those that will be tasked with the responsibility to oversee said decentralized power, which includes political and fiscal powers. And this can only be achieved through the election of these officials. More so, the election of these officials will engender some level of accountability in the running of government since such officials would recognize the strength and importance of the electorates to their status. The reporting relationship which clearly the role of Local Government Official, from national officials (vis-à-vis national Legislature are spell out in the Local government Act of this country.

8. Curtailing the Multiplicity of Political Parties in the Country

The rate at which new political parties are being formed in this country is reaching an alarming level. It does not only confuse the electorates in decision making during elections, it also has the tendency to further
Note: in addition, Liberia, with barely four (4) million people, can ill-afford such level of fragmentation usually engendered by the multiplicity of political parties. For instance, it is alleged that the country currently has 22 registered parties, while another 20 plus are being formed.

Against this background, the committee proposes that Liberia because a four-party country. This will help to reduce the fragmentation of the country on political grounds and, by extension, lead to the healing of the country following a protracted civil conflict from which country is still recuperating.

B. Propositions Recommended to be Treated as Statutes:

1. Proposition 8, which asks for dual currency to be abolished in Liberia to only have Liberian Banknotes.

2. Proposition 12, which calls for respect and recognition for persons with disabilities to be enshrined in the constitution, and education and job opportunities should be accorded them.

3. Proposition 22 and 23 which ask for the constitution to guarantee inheritance rights for traditional women and people in prolonged co-habitation should enjoy marital rights be covered. I.e. Statutory, Customary, and Common marriages.

4. That Proposition 19, which asks for the constitution and all legal documents to carry the pronouns he/she was agree not to be considered for referendum because it is grammatical issue. Therefore, it should be addressed in the Interpretative Act of the constitution.

5. Proposition 20, which asks for age of marriage for girls to be at least 18 years was agreed that the standard age for marriage for all should be 18 years and be reflected in the relevant statute through amendment.

C. Propositions Recommended for Policy Formulation/Strengthening:

1. Proposition 21, which asks for women to have access to equal economic and social opportunities (employment and education), was unanimously agreed to be addressed through strengthened policy since there are already enough laws and policies controlling the subject matter.

2. Proposition 25, which asks for Customary Laws to be made constitutional, was agreed to be addressed through strengthened policies since there are already laws and policies on the subject matter.

D. Proposition Recommended to be Deferred for Further National Consultation

Propositions 24 which call for Liberia being declared Christian Nation.

This proposition, having received almost unanimous support from those who attended the Gbarnga CRC validation conference, was first presented to the Legislature by a petition signed by more than 700,000 (seven hundred thousand) petitioners from some members of the Christian Community. On the other hand
There is also a significant portion of the population that do not support this proposition on the grounds that it has the propensity to divide the country on religious basis. Considering the weight of the two arguments the committee thought it wise to let the Liberian people decide on the subject matter later. Therefore it is recommended to be deferred to facilitate further consultations.

E. Proposition Recommended to be Completely Ignored.

Three propositions were recommended to be ignored because they run contrary to the Republican form of government that Liberia is accustomed to. They include:

1. Proposition eight (8) which asks that the Vice President should not preside of the Liberian Senate was agreed to be ignored because the Liberian democracy is patterned after that of the United States of America where this practice is carried out.
2. Proposition nine (9) which asks for the Chief Justice to be elected was ignored.
3. Proposition 12, which call for Superintendents Commissioners to be elected, be deferred pending the holding of a constitutional referendum.

Conclusion

Mr. Presiding Officer, esteemed Colleagues, the Joint Committee is pleased to note that, in line with Article 91 of the 1986 constitution, all the propositions recommended for referendum are to be transformed into a legislative proposal for passage following it being signed by, at least, two-thirds of both houses of the Legislature.
Good Governance & Government Reform Committee

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