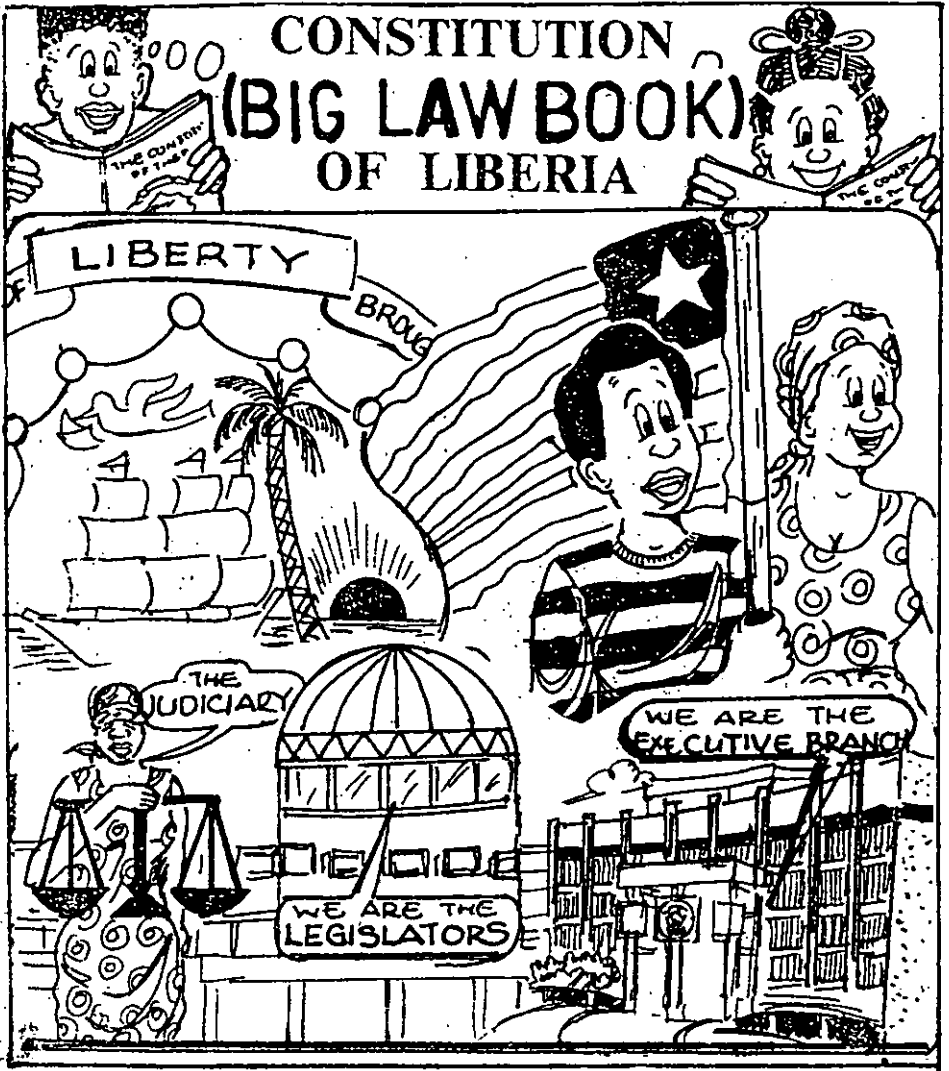


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*F Clifton White Resource Center
Foundation for Election Systems*

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INTRODUCTION

The Constitution is a set of very important values, rules and laws of Liberia based upon the customs and traditions of the Liberian people. It says how the government of Liberia is organized and operated. It is the highest law in the land.

The January 6, 1986 Constitution of Liberia which is currently in use, is the fourth Constitution of Liberia (1820, 1839, 1847, 1986), and the second since the declaration of Liberia's independence in July of 1847. The 1986 Constitution of Liberia is unique in several ways and different significantly from the previous Constitutions of Liberia. It was the result of the many experiences of our national history, which culminated in the April 12, 1980 coup, when our Constitution of July 26, 1847 was suspended.

Realizing the many problems of the past, the 1986 Constitution guarantees the protection of the rights of all Liberians irrespective of history, tradition, creed or ethnic background and recognizes all Liberians as one people. The 1986 Constitution also provides for the establishment of a free and democratic society where the people of Liberia will freely elect their own leaders through periodic elections and come together for their common good.

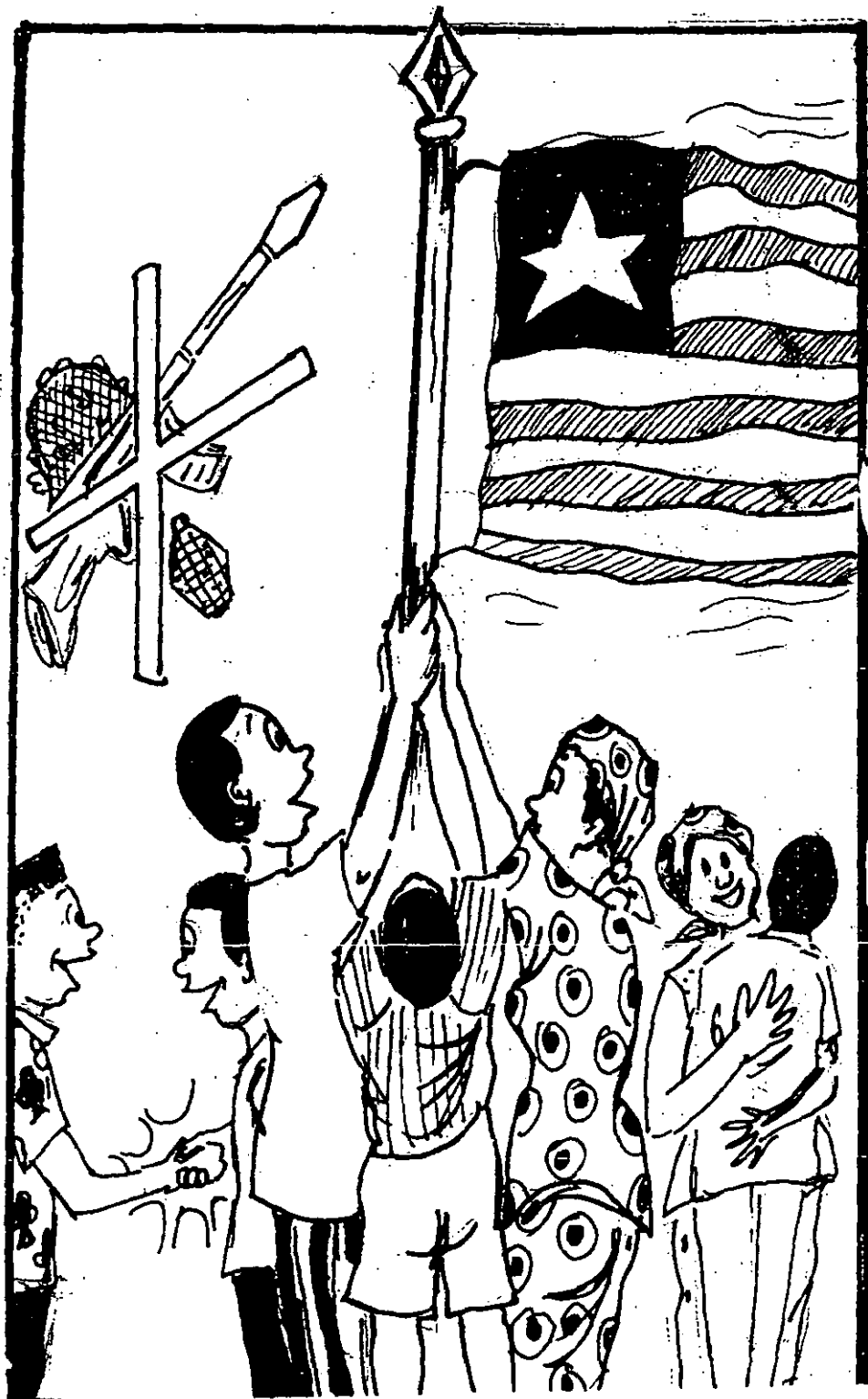
Not the least important, in gratitude to God, the preamble of the Liberian Constitution lays the basis for the foundation of the nation upon "Divine guidance for our survival ... as a free, sovereign and independent state". However, the Constitution does not recognize any State religion. Liberia is a secular state, where all men and women are free to practice their own religion and worship the way they know and believe is right with God.

Nonetheless, as important as constitutions are in running orderly and stable governments, they by themselves do not make any government democratic. A government becomes democratic when it does just those things which the Constitution says it must do. On the other hand, when the government refuses to do what the Constitution says, we sometimes say that the government is undemocratic or behaving in an unconstitutional manner i.e., it is not going by the Constitution. Therefore, for the Liberian Government to be called a democratic government, it must do all what the Constitution says it should do. And in order for you to determine whether or not the Government is doing what the Constitution says, you must know your Constitution.

By the same token, citizens also have an important role to play in helping to create a free and democratic society, by taking their civic responsibilities seriously and by being law abiding and speaking out when things go wrong.

This booklet is an attempt to summarize and explain the important aspects of the Liberian Constitution in simple language. In so doing, much care was taken in its preparation so as not to lose the substance and meaning of its provisions. For greater detail, the reader should refer to the Constitution itself.

EXECUTIVE DIRECTOR



WE, the people of the Republic of Liberia, give thanks to God for our country and having realized that all Liberians are one people since the April 12, 1980 Revolution when our Constitution of July 26, 1847 was suspended, we hereby establish this new Constitution as the laws governing us and for the following purposes:

1. Unity (all Liberians are one)
2. Liberty (freedom)
3. Stability (no war)
4. Peace (everyone is happy with each other)
5. Equality (everyone is equal)
6. Justice (fairness) and
7. Human Rights for all.



CHAPTER I

STRUCTURE OF THE STATE

Liberia is one Country with one central government. However, for the purpose of administration it is divided into counties. These counties have their own local or county authority, like superintendent, mayors, chiefs etc. who run the county 'government' (administration).

The government of Liberia consists of three branches. They are: the Legislature, the Executive and the Judiciary

They perform the following functions

1. Legislature - makes the laws
2. Judiciary - interprets the laws and decide cases
3. Executive - enforces the law and maintain law and order

These three branches share power equally so that they can check on each other and maintain a balance among themselves. No person belonging to any of these branches shall be in another branch at the same time or try to do the work of another branch. (Article 3)

The three branches maintain a balance among themselves in the following ways:

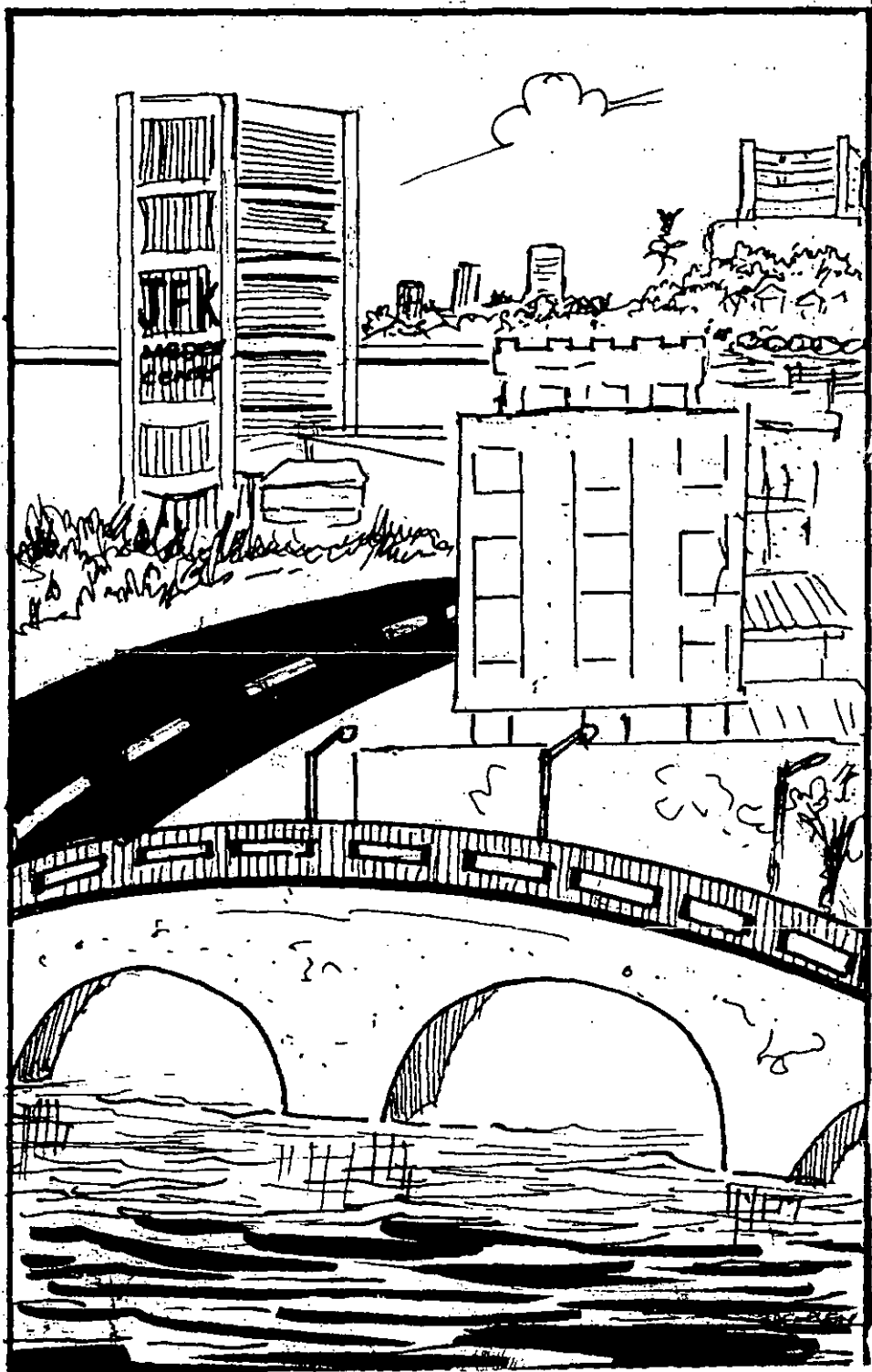
1. The Legislature – makes laws which may be approved by the President; as head of the Executive branch and the Supreme Court (Judiciary) can cancel any law if it believes the law violates the Liberian Constitution;
2. The President cannot dismiss members of the Legislature and the Judges of the courts;



3. The President cannot appoint any high official of government without the approval of the Legislature which can call the President or his officials anytime to answer questions. The President also reports to the Legislature every year on the affairs of the state;
4. The Judiciary relies on the Executive Branch to enforce all of its decisions. It cannot make laws but, can only explain the laws made by the Legislature.

All powers of the Republic of Liberia belong to the people of Liberia. This is so because, only the people of Liberia can cause the government to be formed or change it by voting during elections. (Article 1)

The Constitution is the highest law of the land and no other law is greater than the Constitution. Any law that is not in agreement with the Constitution shall not enjoy the full weight of the law. (Article 2)



CHAPTER II

GENERAL PRINCIPLES OF NATIONAL POLICY

The Republic of Liberia shall be operated and guided by the following principles or laws (Art. 4)

1. All Liberians are equal and one people regardless of their county of origin, tribe or religion;
2. All Liberians have the right to participate in the Government;
3. The Government is responsible to promote and preserve the positive aspects of Liberian culture and get rid of tribalism, nepotism, abuse of power, the misuse of government resources (corruption) etc.; (Art. 5)
4. The Government is also responsible to provide education for all Liberians in order to eliminate illiteracy and should use the national resources (gold, diamond, rubber, timber, taxes, loans etc.) for the benefit of all Liberians; (Art. 6 and 7)
5. The Government shall give every citizen equal opportunity to work and earn their livelihood, teach the Constitution to every Liberian and ensure good relations with Liberia's neighbors and all countries of the world; (Art. 8,9,& 10)



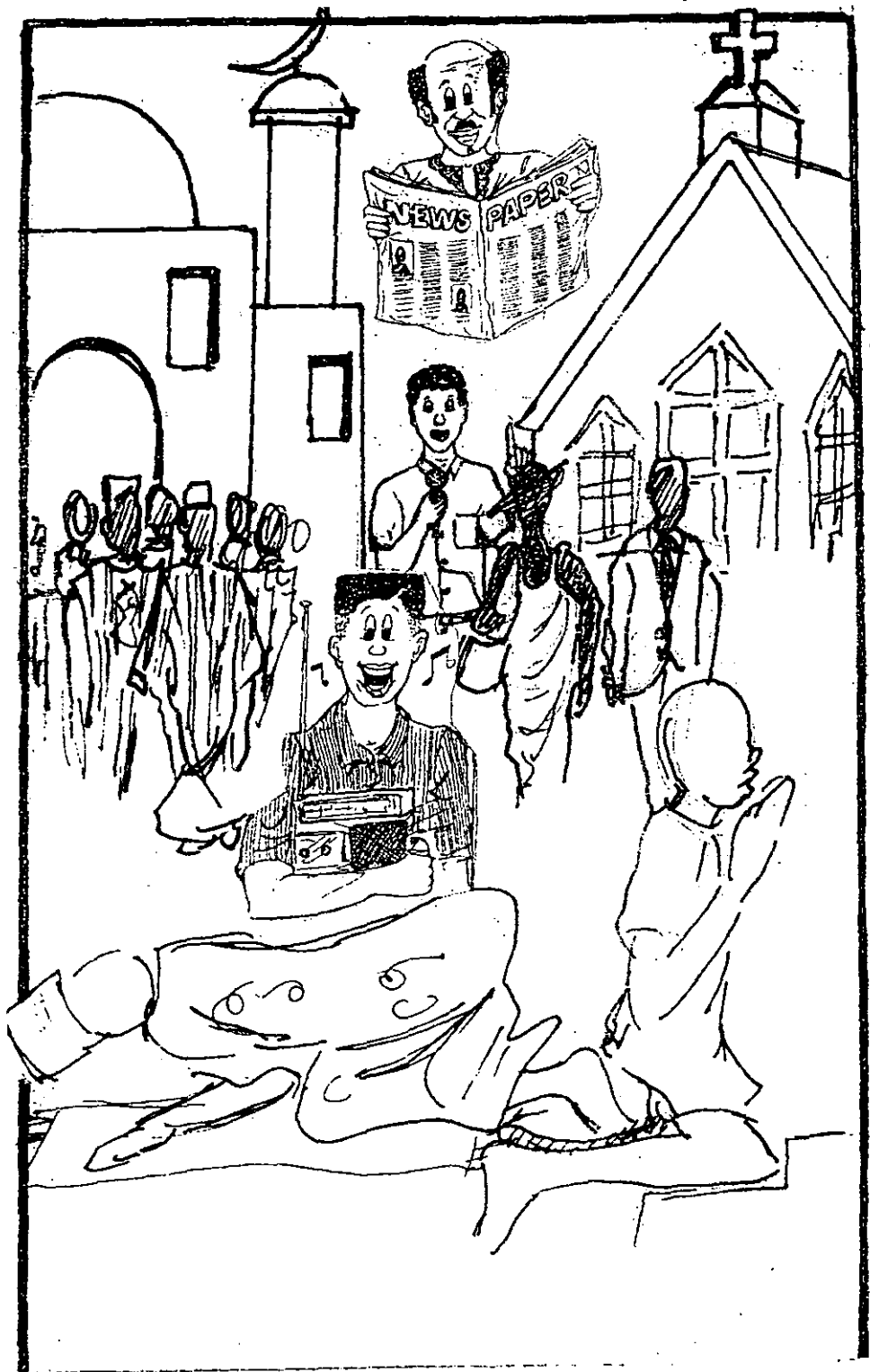
FUNDAMENTAL RIGHTS

Rights are those very important things all human beings are entitled to in Liberia as a democratic Republic. They are called Fundamental rights and freedoms because the Constitution says we are born with those rights and we are free to enjoy or do any thing that makes life good, happy, pleasant and enjoyable for ourselves and others whether citizens or not.

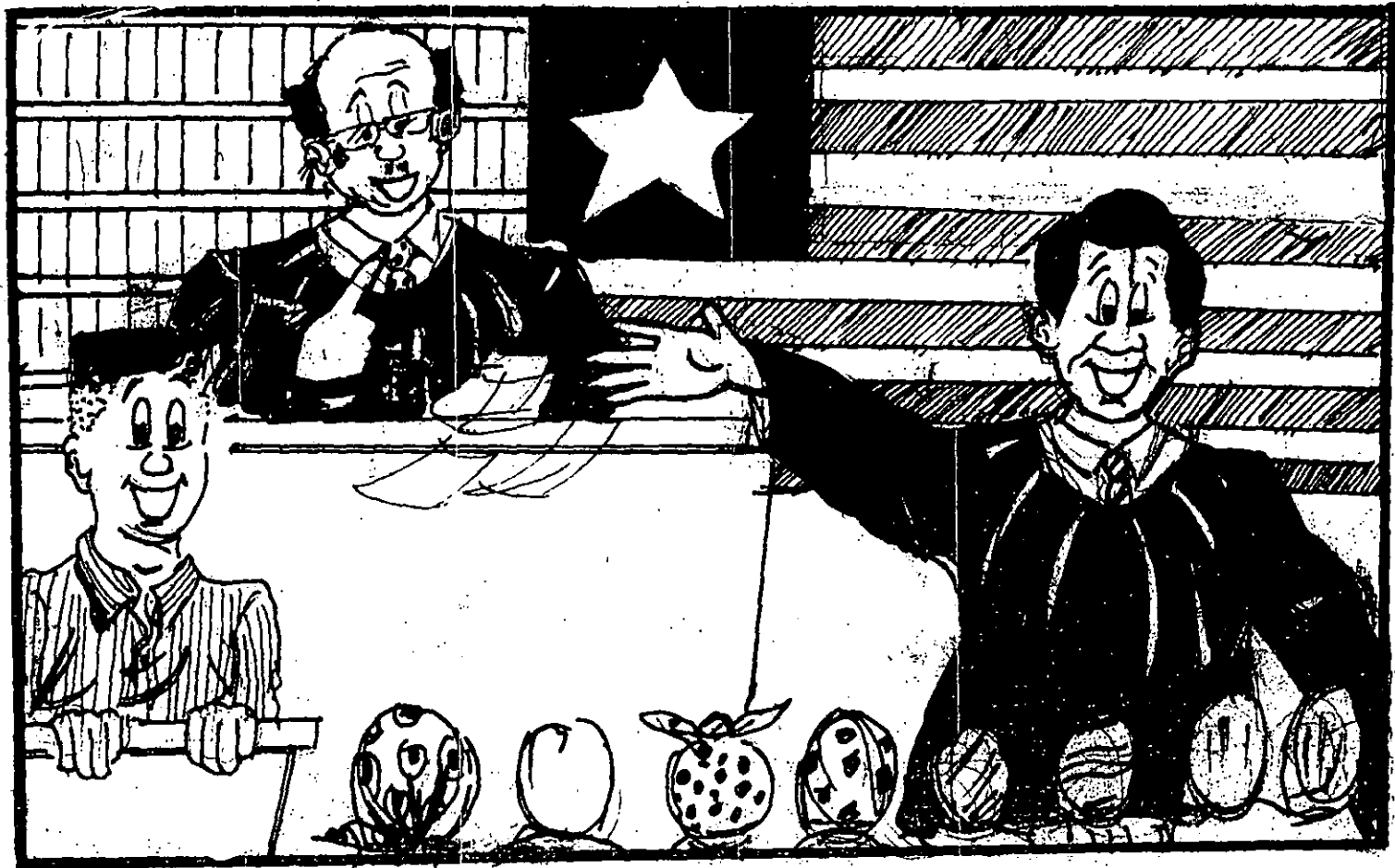
The Government must respect and protect the rights of everyone and the people must also respect the rights of each other. The legislature cannot make any law to take away the rights of anyone. The judges are supposed to use the courts to protect the rights of everyone. As for the President and Government, they must respect the rights and freedoms of everybody be you citizen or non-citizen. (Art. 11 a,b,c)

As a human being we have the following rights:

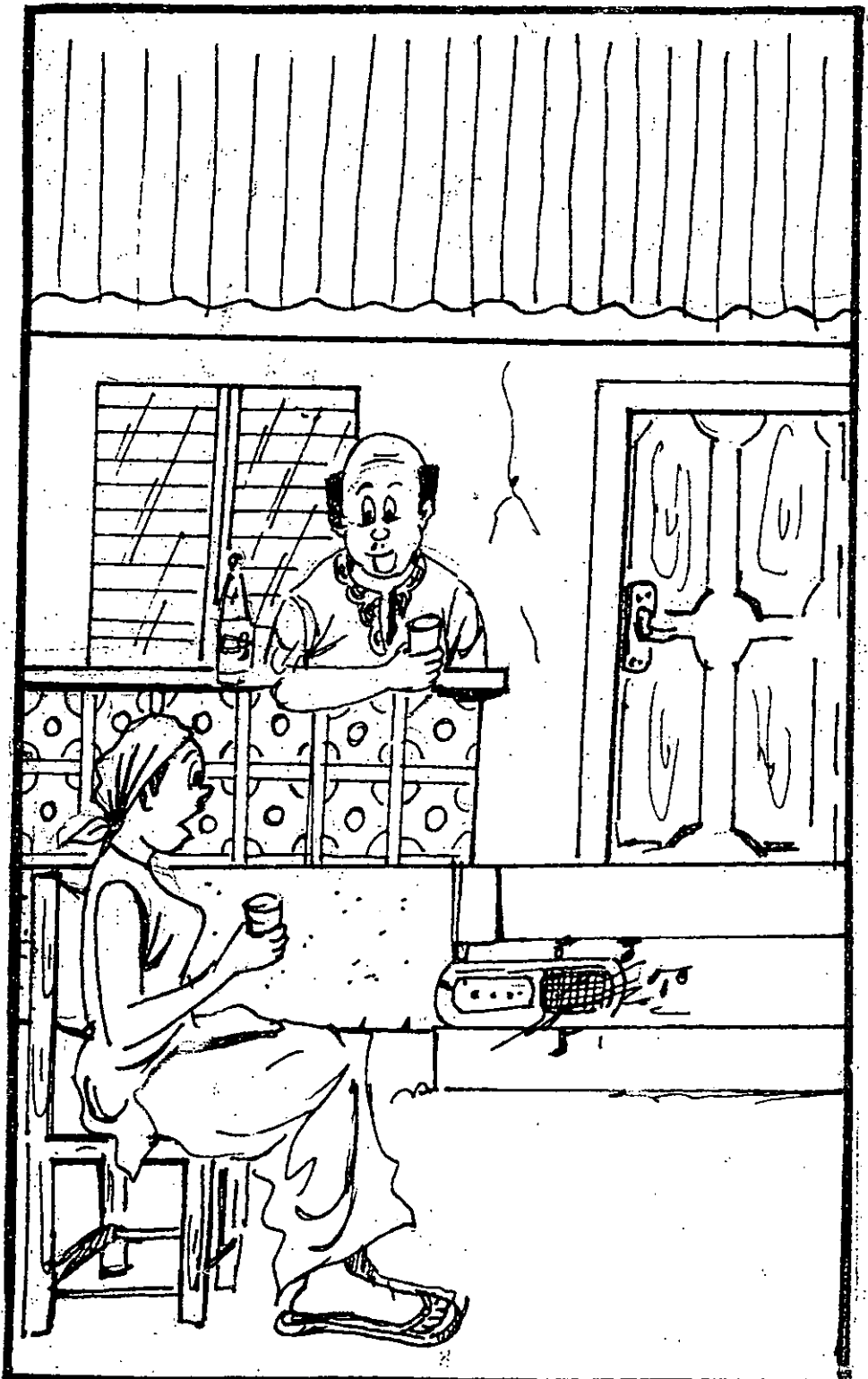
1. Right to life, liberty and property – you have the right to live, be free, own property and the right to be treated equally before the law; (Art. 11)
2. Right not to be treated as a slave or forced to work for anyone against your will; (Art. 12)
3. Right to freedom of movement - is your freedom to enter, leave and travel throughout the country anytime, provided you have not committed any crime and there is no trouble in any part of the country that would require government to prevent you from going there; for your own safety; (Art. 13)



4. Right to Freedom of Thought, conscience and religion - you are free to think and believe whatever you like and worship God according to your own will, provided you do not obstruct or offend anyone in the exercise of this right. Government cannot tell you how to worship God. Government shall also treat all religions equally and shall not prefer one religion over the other; (Art. 14)
5. Right to Freedom of Expression - everybody has the right to say or express whatever they want but if you say the wrong things to hurt others you may be held responsible for whatever you say. This right includes the right to be informed, to be educated and to educate others, the right to be informed about Government operation, access to Government radio stations and the right to remain silent; (Art. 15a, b, c, d, e)
6. Right to Privacy - no one can search or enter your house without your permission or interfere with your family, letters, etc. except by order of a court; (Art. 16)
7. Right to Peaceful Assembly and Association - every person is free to attend any peaceful meeting at will and to join any organization, association or political party of their choice; (Art. 17)
8. Right to Equal Opportunity for Work and Employment - whether woman, man, rich, poor, Christian or Muslim or of one tribe or another every body has equal rights to be employed and work for a living; (Art. 18)
9. Right to Due Process of Law - this is one of our important rights guaranteed by the Constitution. It talks about how people should be treated before the law. This right involves the following:



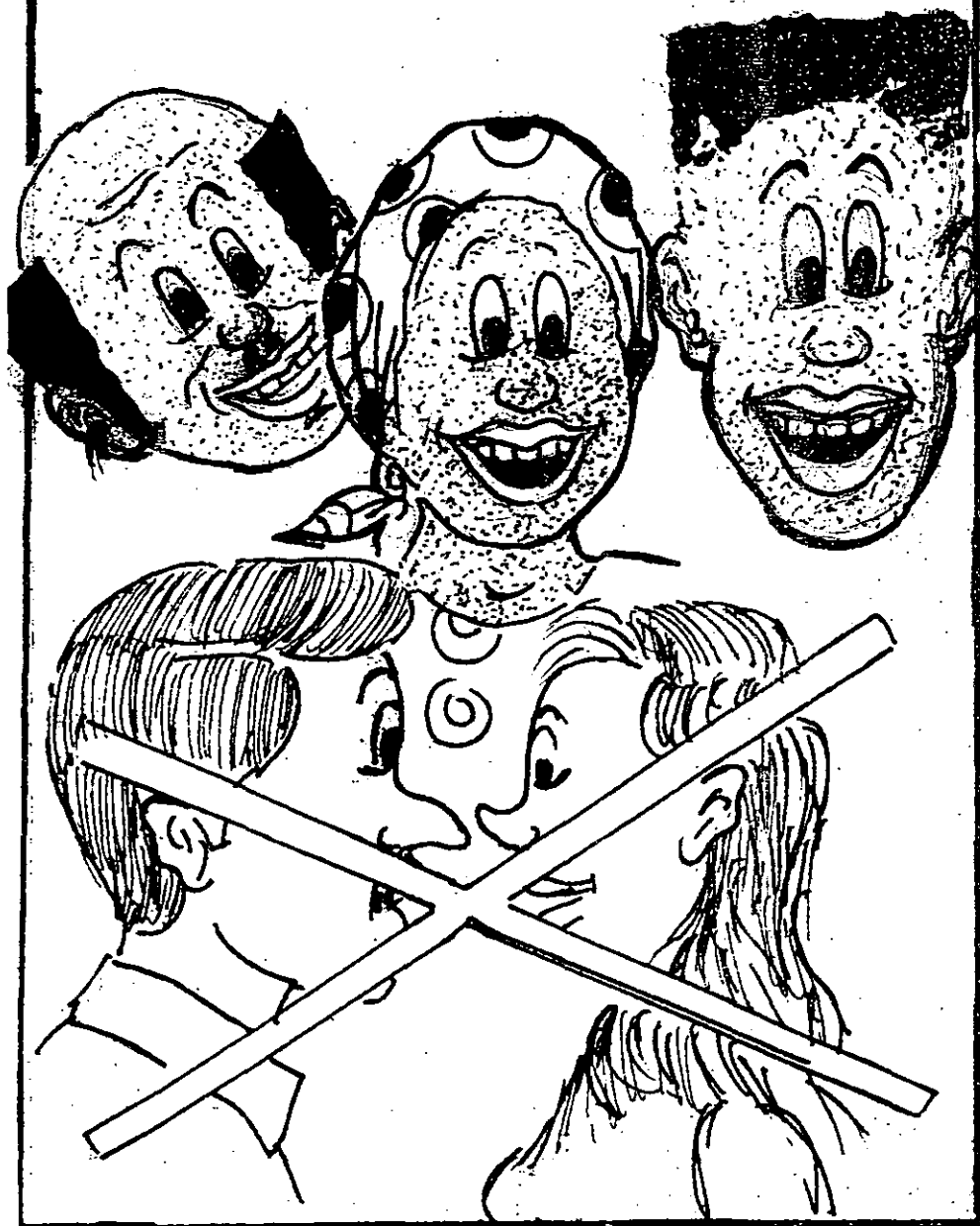
- a. An accused person is presumed innocent until he is found guilty by a court of law. When it comes to interpreting the law, only the courts have the authority or power to determine whether or not a law is violated, prescribe punishment or order appropriate action(s) in the enforcement of the law;
- b. No one is supposed to be arrested without a clear and written charge that says what the person has done;
- c. All persons arrested are entitled to bail except those who have committed serious offenses like treason, murder, etc.;
- d. Every accused person has a right to legal counsel and to remain silent i.e. not to say anything against himself in the absence of his lawyer;
- e. Every person arrested or detained shall be charged and sent to court within forty-eight hours – no one should be kept in detention outside this period specified without being charged or tried by the court;
- f. No civilian shall be made to answer to any military court and only military personnel can be kept in special detention centers for them alone;
- g. No person shall be punished for an act which was not a law when that offense was committed;
- h. No person held in detention shall be tortured or suffer any mal-treatment. It is a criminal offense for any police officer or security personnel to torture anyone in detention. (Art. 19, 20, 21)



10. Right to Own Property – everybody including married women have the right to own property. Only citizens of Liberia can own land and all resources under land (gold, diamond, etc.) belong to the Government. However, the Government has a greater right over property (Eminent Domain), it can give property to any NGO or use it during time of war or during peace time for the health, safety and good of everyone under the following conditions:

- a. the Government must give reason for taking your land;
- b. the Government must pay you immediately for the value of your land;
- c. if you are not satisfied with any of the above you can challenge the Government in court; without fear of punishment;
- d. if the Government stops using the land the original owner has the first right to reacquire the land from Government. (Art. 22, 23, 24)

11. Right to Sue Government – every person has the right to take the government or any official of government to court for any wrong or violation of their human rights under the Constitution of Liberia.

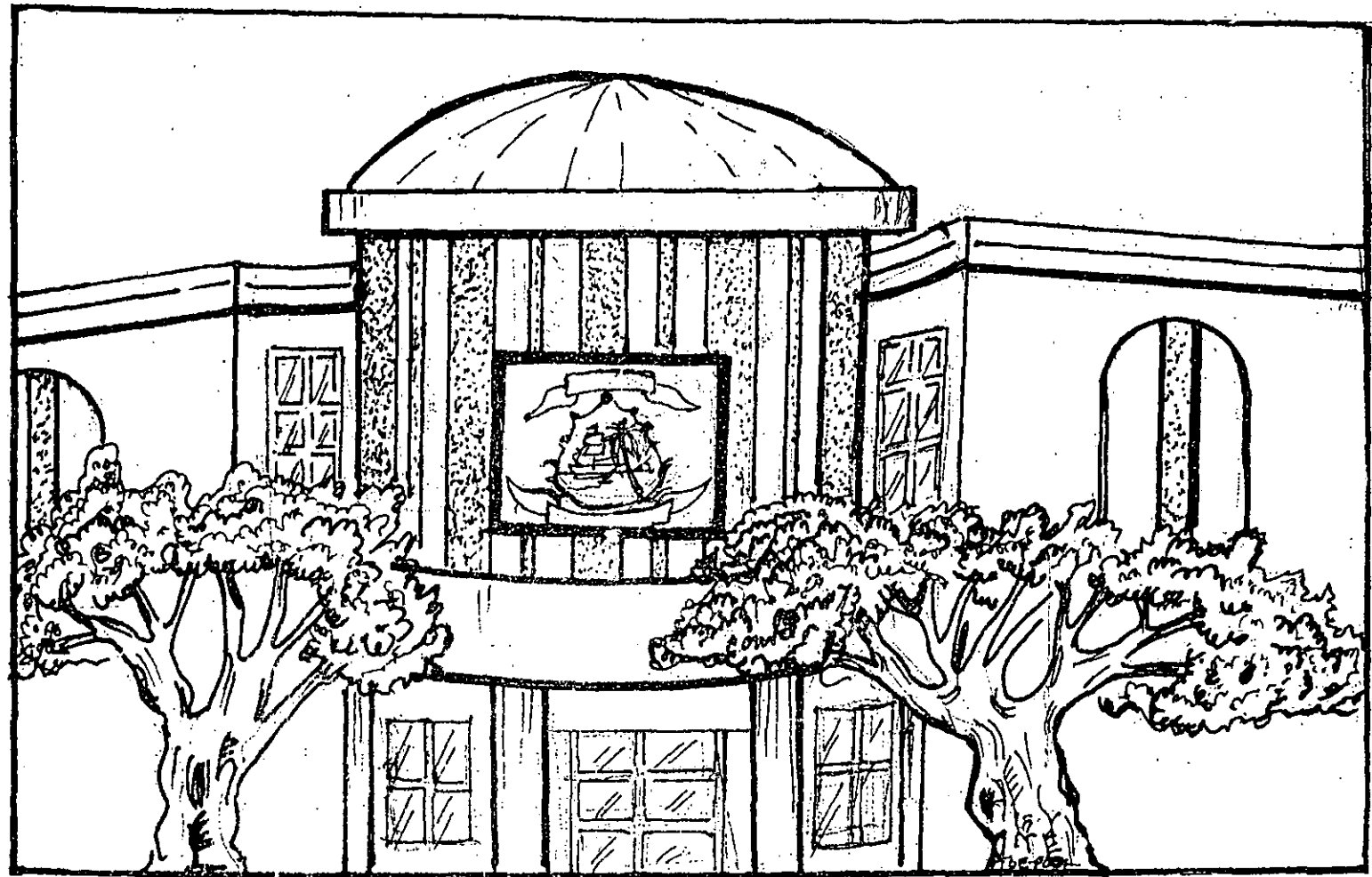


CHAPTER IV

CITIZENSHIP

Under the Constitution of Liberia, only black people born in Liberia (Negroes) or people who have at least one black parent can be a citizen of Liberia whether or not you are born in Liberia or another country (naturalization). (Art. 27)

The child of every Liberian citizen is also a citizen of Liberia provided that he or she declares his citizenship upon reaching the age of maturity. However, no one can hold citizenship of two different countries at the same time. You must choose one and no one can tell you which nationality to choose. (Art. 28)



CHAPTER V

THE LEGISLATURE

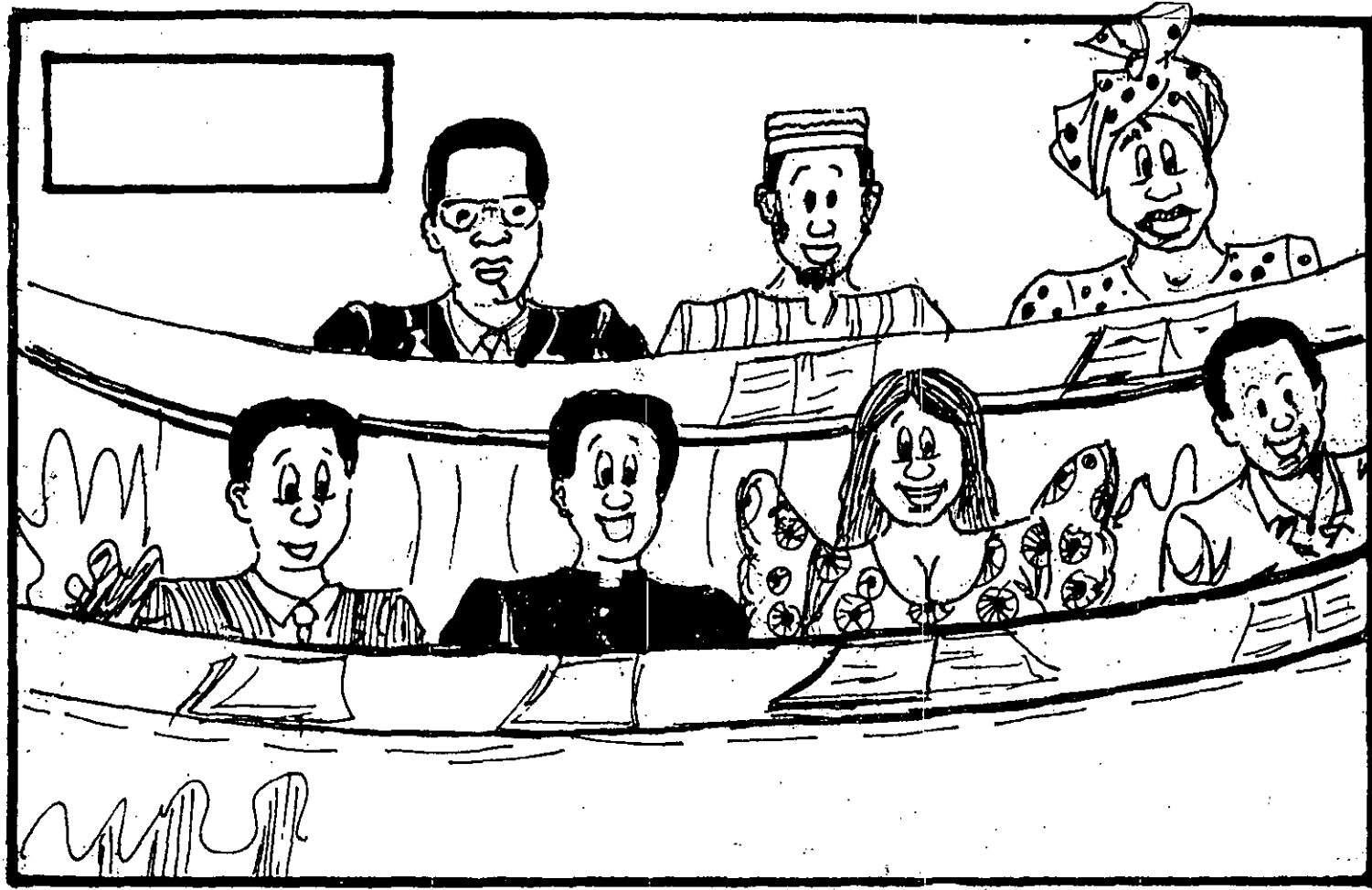
The National Legislature is one of the three branches of Government. It comprises both the House of Representatives and the Senate. To be a senator you must be 30 years old and a representative, 25 years old. (Art. 29, 30)

The Legislature makes all the laws of Liberia and is composed of 64 representatives and 26 senators from all 13 counties of Liberia.

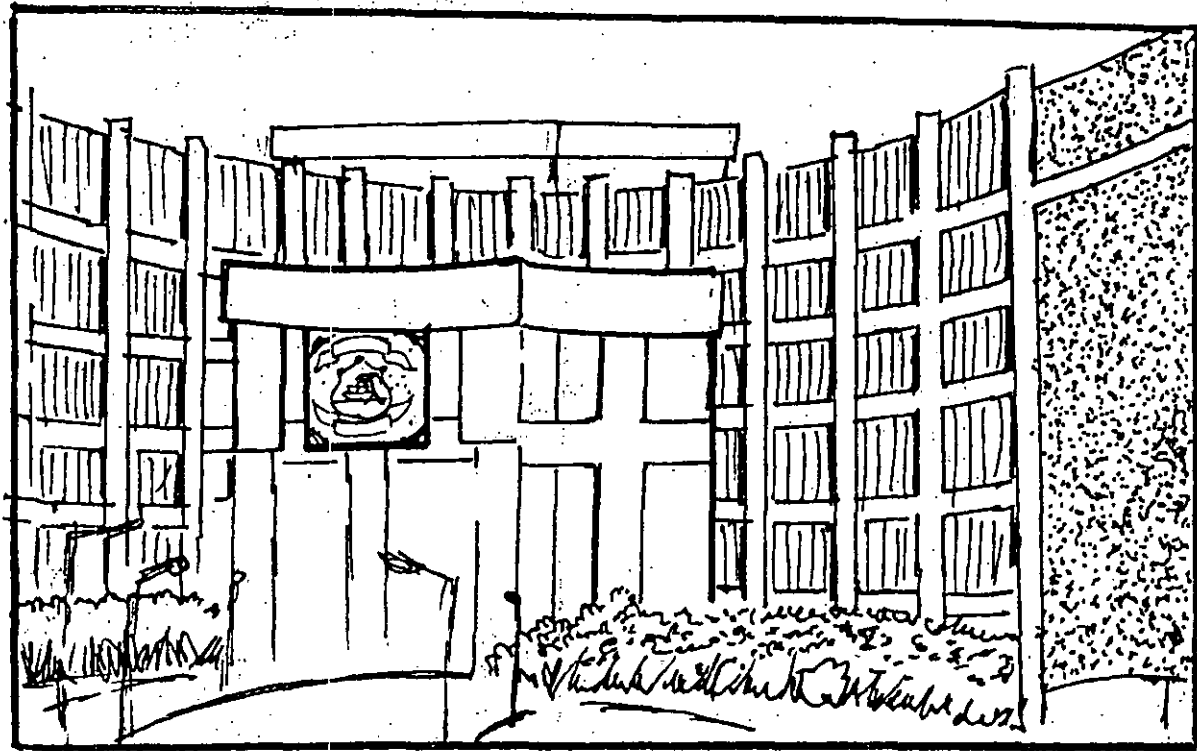
Two senators from each county are elected for a term of nine and six years. The representative are elected for a term of six years. (Art. 45, 48) The senate is headed by the Vice President of Liberia, in his absence the President Pro-Tempore heads the Senate. The House of Representatives is headed by the Speaker. (Art. 47, 48)

The powers of the Legislature are:

1. Create new counties, provide security and army for Liberia, impose all taxes and organize all the courts, approve the National Budget and control government's spending; (Art. 34a, b, c, d, e)
2. Regulate trade between Liberia and other countries, approve all contracts by the Government of Liberia, make all laws for Liberia; (Art. 34f, g, h, i, j, k, l)
3. Authorize the counting of Liberia's population (census) every 10 years; (Art. 39, 49)



4. Both the Senate and House of Representatives have the authority to make their own rules and can expel any of their members for good reason by a majority vote of two-thirds; (Art. 38)
5. To conduct a trial and remove from office the President, Vice President, Chief Justice, Associate Justices and all judges of Liberia whenever they are brought before the Legislature for any wrong doing. (Art. 43)



CHAPTER VI.

THE EXECUTIVE

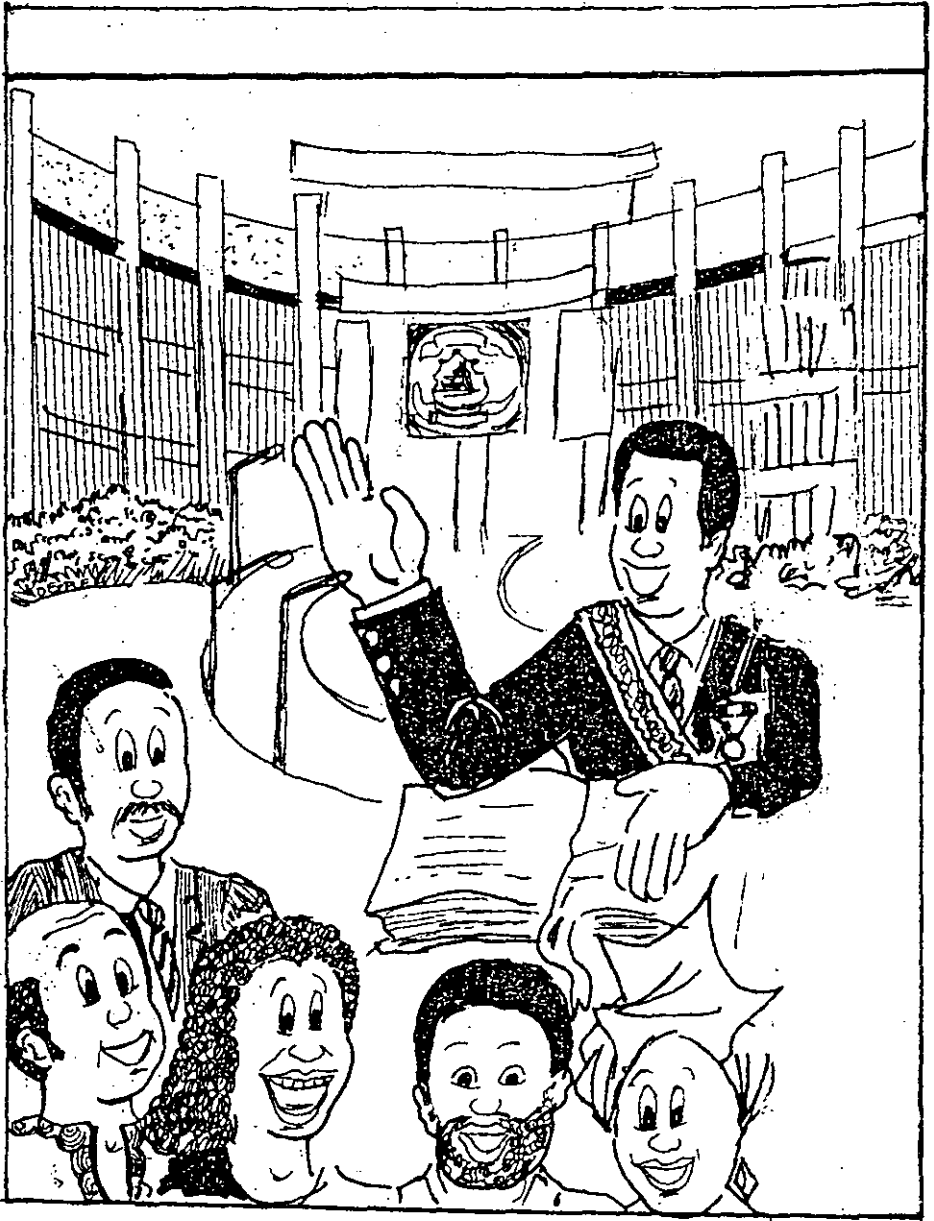
The President of Liberia is the Head of the Government and the Commander-In-Chief of the Army; he is elected by the people of Liberia for six years and may serve another six years only if the people vote for him/her the second time. No President can serve for more than 12 years (two terms), as president. The President is assisted by the Vice President. (Art. 50, 51)

To be a president or vice president you must be a Liberian aged 35 or above, own property valued at \$25,000 and live in Liberia 10 years before elections. (Art. 52a, b, c)

The Constitution requires that the President and Vice President take oath i.e. swear before man and God to protect the Country and every citizen, respect human rights and every law contained in this Constitution. (Art. 53a, b)

With the approval of the Senate, the President has power to appoint the following officials:

- a. ministers, their deputies and assistants, ambassadors, Chief Justice and Associate Justices and all judges and justices of the peace;
- b. superintendents and all county officials, members of the army from the rank of lieutenant above and officers of the courts. (Art. 54a, b, c, d, e, f, 55)

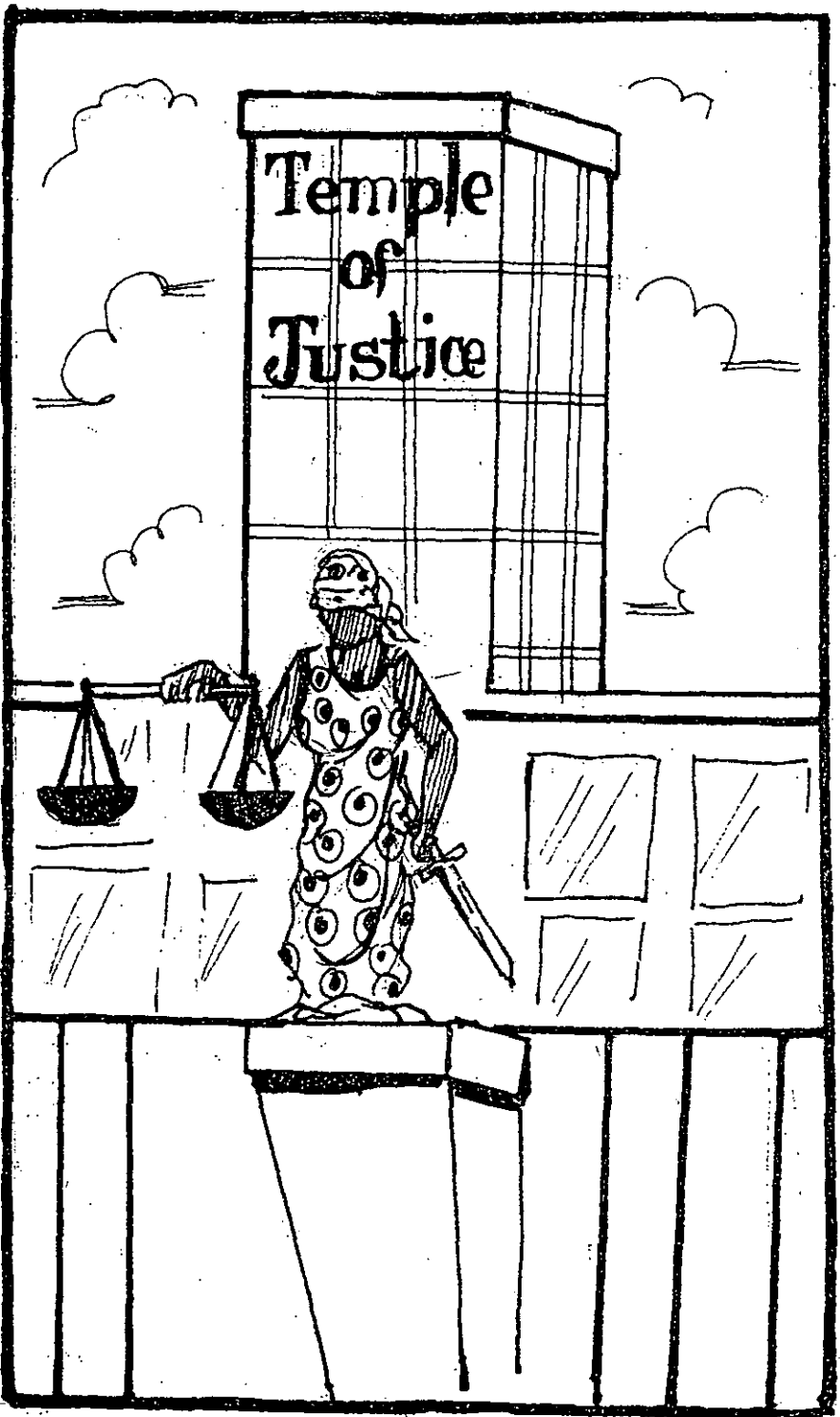


Other powers of the President are:

1. to dismiss at anytime, any official of government including paramount, clan and town chiefs for proved misconduct; (Art. 56a, b)
2. to conduct foreign relations, report to the Legislature every year, waive taxes, pardon or grant executive clemency to people guilty of any crime. (Art. 57, 58, 59)

The President cannot be sued while he is serving as President. He cannot be held responsible for things he did while serving as President except for criminal activities. Both the President and Vice President may be removed from office by impeachment for treason, bribery violating the Constitution or misconduct. (Art. 61, 62)

If the President dies in office, resigns or is removed from office, the Vice President takes his place, next in line is the Speaker of the House and then the President Pro Tempore of the Senate. (Art. 63a,b,c,d, 64)



Temple
of
Justice

CHAPTER VII

THE JUDICIAL BRANCH

The Judiciary refers to the Chief Justice and Supreme Court of Liberia and all other courts of the Republic. The courts are to explain the law and apply it to every case brought before it. The Supreme Court is the highest court in Liberia its decisions are final and binding on all parties and the Government. (Art. 66)

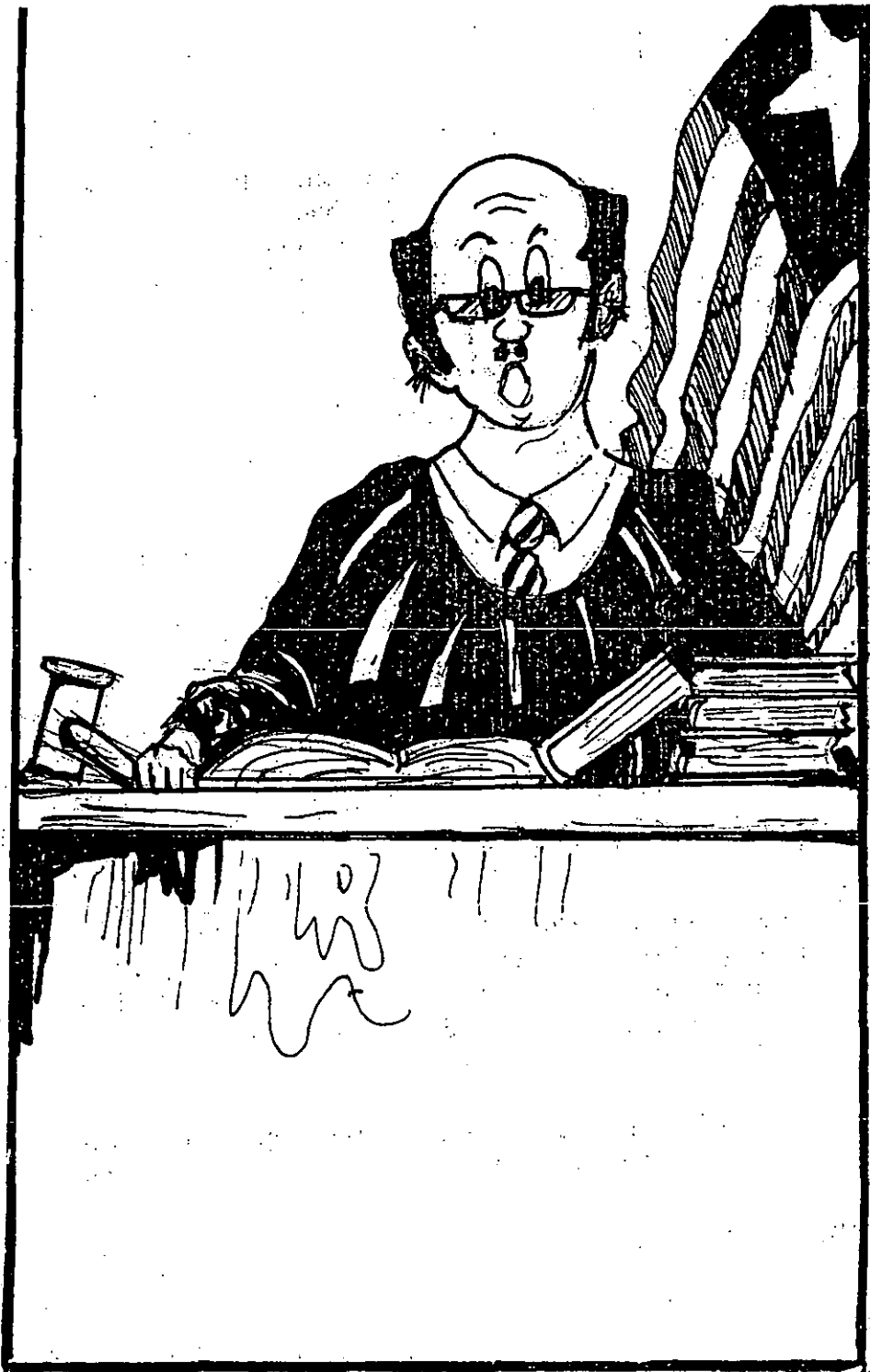
All the courts are independent. This means that they follow only the Constitution and the laws that are made by the Legislature. No one can tell the court how to decide a case, not even the President or any government official.

The Supreme Court has one Chief Justice and four other judges called Associate Justices. Other courts are labor, circuit, tax, debt, civil law, criminal court A, B, C, D, etc. (Art. 67)

If anyone is not satisfied with a decision of any lower court, that person can ask the Supreme Court to review the lower court's decision. This is called an appeal. This is the only way cases go to the Supreme Court. But, all cases involving the Constitution, ambassadors, ministers, etc, are tried only in the Supreme Court. (Art. 66)

The next court in ranking order to the Supreme Court is the Circuit Court. Every county in Liberia has its own Circuit Court that decides cases in those counties. If someone is not satisfied with the decision of any of the circuit courts, he can take his case to the Supreme Court in Monrovia.

Next in order to the Circuit court is the Magistrate Court which listens to small cases. If anyone is not satisfied with the decision of the Magistrate Court, he can take his case to the Circuit Court. There are many Magistrate Courts all over Liberia.



To be a judge, one must be a lawyer and a good citizen and take oath to defend the Constitution and all laws of Liberia. All judges are appointed for life and may be removed only if they accept bribe, fail to do their duty, commit a crime, or reach the age of 70 years at which time they may be retired. (Art. 68, 69, 70, 71, 72)

No judge or official of any court can be arrested for performing his judicial duties to the best of his knowledge, except for treason, breach of peace or other crime. (Art. 73)

Anyone found disobeying or disrespecting the court can be held for contempt. And any one who brings war to Liberia, or join enemies of the Republic to bring war, rebellion against government and spying is guilty of Treason. (Art. 74, 75, 78)

What is Treason ?

Treason is committed in the following ways:

1. Bringing war against Liberia;
2. Joining yourself with or helping another country or group of people that are fighting war with Liberia or preparing to fight war with Liberia;
3. To spy on Liberia for another country that is an enemy of Liberia;
4. Engaging in activities with the intention to overthrow the Government, rise up against the country or cause other citizens including people in the army to fight against Liberia;
5. Changing or trying to change or undermine the Constitution by the use of force. (Article 76)



CHAPTER VIII

POLITICAL PARTIES AND ELECTIONS

The government is put together by the people and is supposed to serve them for the good of all of the citizens of Liberia. Every Liberian citizen has the right to take part in peaceful political activity to decide how the government should be run and what it should do. You are free to join any political party of your choice. Only people who are 18 years and above can vote in Liberia.

A political party is made up of citizens who have the same ideals on how the country should be run and the kinds of things the government should do to develop the country to benefit all of its citizens.

A political party is not formed to fight the government, and for a citizen to join a different party besides the ruling party does not make that citizen an enemy of the Government.

What a political party does, is to come up with its own ideas and plans of how the country is supposed to be run and developed, because, the ruling party does not know everything and cannot do all things that are good for the country.

At the time of National Elections, a political party chooses from among its members, one person to run for President and another, Vice President of Liberia. Other people are also chosen to be Representatives and Senators. The person chosen to run for the Presidency is called the standard bearer of the party and the one to run for the Vice Presidency is called the vice standard bearer. They are all chosen at one big party meeting called the party convention.

VOTE PEACE & JUSTICE PARTY



The party then takes the names of their candidates to the citizens and ask the citizens to vote for them to carry out the ideas and plans of the party for the Country.

No political party is to be formed on tribal or religious line. All political parties are to operate under the laws of Liberia. It is the Elections Commission that set guidelines for the operation of political parties. Because of the important role political parties play in the country, the Constitution of Liberia says that no law shall be made to make Liberia a one-party state, like in the past when we used to say, "so say one so say all". No one will be forced to join a political party. And if you do not want to join a political party, you can still take part in election and run for any office. To be qualified as a political party, an organization must have not less than five hundred members in at least six counties, all of whom should be of voting age. (Art. 77, 78, 79, 80)



CHAPTER IX

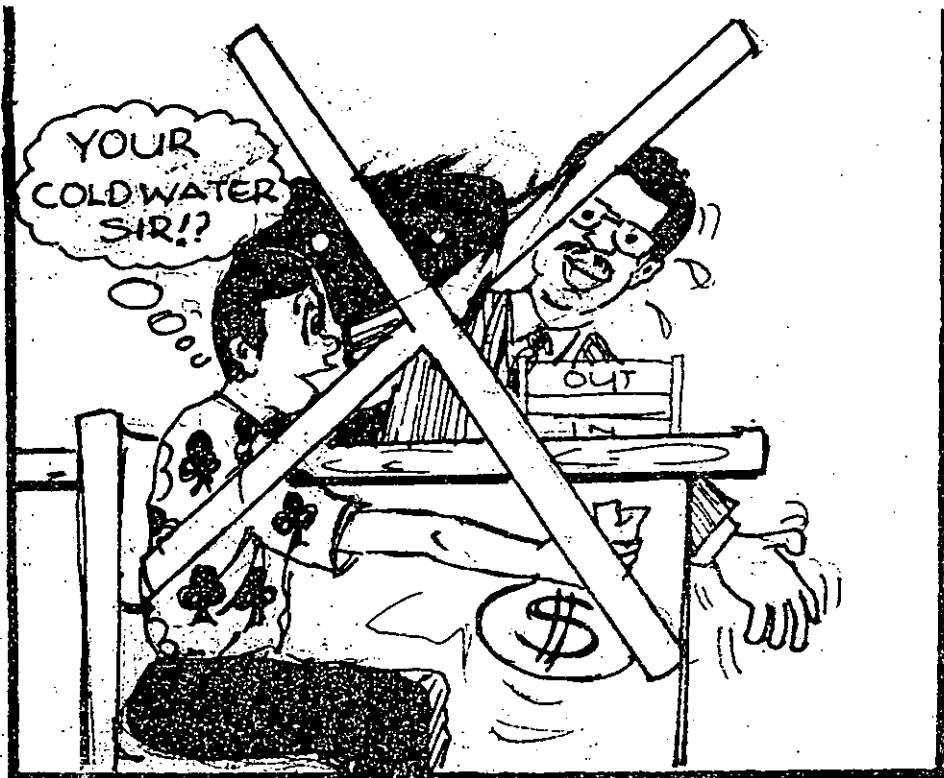
EMERGENCY POWERS

Because the President is the over all Commander of the Armed Forces of Liberia, he may order the Army to get ready to defend the country during times of trouble (state of emergency). (Art. 85)

A state of emergency exists, when there is a situation that is threatening the life of the nation or the existence of the government. During a state of emergency the people cannot exercise all of their rights as laid down in the Constitution in order to enable the President to exercise the necessary powers to take care of the emergency situation. (Art. 86)

However, the Constitution provides special safeguard to prevent the President from misusing power during a state of emergency. Some of the things the President cannot do during a state of emergency are:

- he cannot change the Constitution
- he cannot close down the courts
- he cannot close down the Legislature
- he cannot stop the court from issuing the writ of Habeas Corpus. The writ of habeas corpus is issued by the court on a government official or prison authority, to bring a person from jail and give reason why that person was jailed. (Art. 87)



CHAPTERS X & XII

OTHER LAWS

No person who works for Government is allowed to do any thing, which is against the interest of the Government or the public. Anyone who does that is doing what is called conflict of interest. (Art. 90)

No one working for government is allowed to demand pay or any benefit for the work he is doing besides what the government pays him. For example, he cannot accept bribe or "tips" before he can do his job. (Art. 91)

The Constitution of Liberia can only be changed when two-thirds of the members of Legislature agree to do so, or not less than 10,000 citizens ask the Legislature (the lawmakers) to do so... But before any portion of the Constitution can finally be changed, that change will have to be agreed upon by two-thirds of the citizens who are qualified to vote through what is called a national referendum. (Art. 92)

The Constitution allows the President to stay in office for two terms only. Each term is for six years. If this portion of the Constitution is changed, it will not apply to the President who was in office at the time the change was made. (Art. 93)

