

DE-RACIALIZATION OF THE LIBERIAN CONSTITUTION: A PRECONDITION FOR POST CONFLICT CULTURAL DIVERSITY, RACE RELATIONS AND DEMOCRACY

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Abstract

The 1986 Constitution of Liberia, Chapter IV, Citizenship Article 27 states: (a) All persons who, on the coming into force of this Constitution were lawfully citizens of Liberia shall continue to be Liberian citizens. (b) In order to preserve, foster and maintain the positive Liberian culture, values, and character, only persons who are Negroes or of Negro descent shall qualify by birth or by naturalization to be citizens of Liberia. In my opinion, the above statement has a profound racial connotation. Therefore, this study is strongly advocating for the de-racialization of the Liberian Constitution. For Liberia to be democratically and culturally conscious in race relations and diversity in its naturalization process, the constitution must be de-racialized. Based on many historical factors, the Liberia's citizenship laws are explicitly racist, and sexist. For instance, the 1847 Liberian Constitution was written through American colonial instructions, the architect of the Liberian State formation. Of course, one can allude that the 1847 Constitution was based on vengeance against white experience of enslavement of Free African American Hegemony Authorities in Liberia. Following the enactment of the First Constitution of 1847, the 1933, 1955, 1984 Constitution of Liberia repeated "only person of negro descent can become citizen and owned properties in Liberia". Therefore, the struggle for the eradication of the racist Liberian aged-old constitution requires like-minded Liberians and the political institutions to intervene in the de-racialization of the Liberian Constitution.

Introduction

The Republic of Liberia was founded by free Americans of African origin who, with the assistance of their captive agents, formed the American Colonization Society and returned to establish a republic on Africa's soil known today as Liberia. The Liberia's nationality laws are based on its First Constitution enacted in 1847 to present. These citizenship laws are explicitly racist and sexist. For instance, the First Constitution allowed for women to transmute their nationality to their children,

although multiple citizenship was not permitted nor is it permitted in revisions of the constitution. It must be emphatically pointed out that Liberia is also one of the relatively few remaining countries in the world conferring nationality based on Race. This policy of granting Liberian citizenship only to persons who are of African descent, and excluding non-black, also, as stipulated in the 1986 Constitution of Liberia, Chapter IV, has begun to receive increasing criticism from the national, international, and regional communities. It must be mentioned that

even within Liberia itself, the wider implications of the policy are part of a heated debate in which indigenous-native Liberians themselves including the author, have acknowledged that non-Africans are crucial contributors to the country's economic activities and innovation system. Case in point, the Lebanese, the Indian business communities, and other non-black immigrants have been some of the major economic and social indicators of Liberia since 1944 to present. In fact, many non-black immigrants were political leaders of Liberia prior to independence. This statement can be proven in the history of the formation of Liberian State. (Sirleaf, 2000). The features of the First Constitution that have been upheld until 2021, 173 years ago, include: Article V, Section 13 of the 1847 Constitution which states: "The great object of forming these Colonies, being to provide a home for the dispersed and oppressed children of Africa, and to regenerate and enlighten this benighted Continent, none but persons of color shall be eligible to citizenship in this Republic." The phrasing "persons of color" was changed to "Negroes or persons of Negro descent" in a 1955 revision. The 1986 and the 2014 draft reversed Constitution articulated the same constitutional provision. This research,

therefore, challenges many dogmas of so-called underlying assumptions about race relations and global cultural diversity. Constitutionally, there still exists racial disparities in Liberia. This, of course, serving in many instances, as impediments to post conflict Liberian human growth and development.

Objective of the Study

The objective of this study is to invite contemporary, specifically like-minded Liberians, and political institutions, nationally and internationally, to help revise and eradicate the racist Liberian aged-old Constitution of 1986, which allowed only people of "Negro descent", to obtain Liberian citizenship by birth, ancestry, or naturalization. Rationally, there is a need, for friends of Liberia, and Liberians at home and abroad to pressure the Liberian authorities on the question of the citizenship regulations. Objectively, this development requires positive thinking Liberians to move Liberia from the Subjunctive to the Declarative as a post conflict renewal of the minds, body, and souls. This objective is viewed as an exercise of Re-mapping the Black-African-Liberian Experience, Rethinking, and Reinterpreting the negative past to a positive present that reflects on the New Liberian Global Dimension.

Significance of the study

This study is significant because, it is primarily seeking to admonish Black-African people, specifically Liberian people, to live above the pre-historic and elementary negativism. logically, this is a fallacy of relevance. The policy of granting Liberian citizenship only to persons who are of African descent and excluding all other races, has begun to receive increasing criticism from the national, international, and regional communities. Therefore, the time has come for Liberia to amend the racist 173 years old Constitution. For instance, Liberian President, George Manneh Weah, has suggested it is time to amend the laws. He believes that the current citizenship regulations are unnecessarily “racist” and restrictive. He also argues that upholding them would hinder Liberia’s progress and prosperity, especially after its long, devastating armed conflicts. These and many critical and strategic reasons expressed in this research, make this study significant.

Research Methodology

This research study used the Historical and Empirical Political Analysis with specific concentration on research methods in Political Science research methodology.

Based on the Republic of Liberia historic foundation by free Americans of African origin who, with the assistance of their captive agents, formed the American Colonization Society had returned to establish a republic on Africa’s soil known today as Liberia. The above research methods facilitated the general understanding of the Liberian complex historical foundation. Therefore the research study used the Historical and Empirical Political Analysis with specific concentration on research methods in Political Science research methodology that will assist an understanding of the Republic of Liberia historic foundation by free Americans and the Liberian Nationality Law. The premise upon which this subject is based, with specific emphasis on its First Constitutions enacted in 1847, revised in 1955 and 1984.

Historically, the Liberia’s citizenship laws have been explicitly racist and sexist from 1847 to 2021 (173) of this research. Case in point, the 1955 Liberian constitutional referendum (From Wikipedia, the free encyclopedia [Jump to navigation](#) [Jump to search](#) [Politics of Liberia](#) [Coat of Arms of Liberia](#) [Constitution](#)). A constitutional referendum was held in Liberia on 3 May 1955. [1] The changes to the constitution

would grant women in the Provinces the right to vote (other women had been granted the right to vote in a 1946 referendum). [2] Grant all women the right to be elected to Parliament, and remove the section detailing that the Chief Justice would oversee any impeachment of the President or Vice-President. The changes were approved by voters. For instance, historically, the First Constitution allowed for women to transmute their nationality to their children, although multiple citizenship was not permitted nor is it permitted in revisions of the Constitution. It must be emphatically pointed out that Liberia is also one of the relatively few remaining countries in the world conferring nationality based on Race.

Literature Review

Following the overthrow and execution of President William R. Tolbert by a small group of soldiers led by Samuel Doe on April 12, 1980, the 1847 Constitution was suspended, and governing power was assumed by the People's Redemption Council (PRC), led by Doe. Doe refused to assume the presidency, instead ruling by decree as the Chairman of the PRC. On April 12, 1981, Dr. Amos C. Sawyer, a political science professor at the University of Liberia, was appointed Chairman of the

National Constitution Committee, a 25-member body tasked with drafting a new constitution. In December 1982, the Committee finished their draft constitution, and submitted it to the People's Redemption Council in March 1983. The PRC appointed a 59-member Constitutional Advisory Committee (CAA) to review the draft. On October 19, 1983, the CAA finished its review, having removed, or altered several provisions. Among the changes made to the draft included an increase of presidential terms from four to six years, removal of an entrenchment provision that would have prevented amendments altering presidential term lengths and term limits, removal of a prohibition on government participation by military personnel, and deletion of provisions establishing two autonomous agencies charged with approving judicial candidates and investigating corruption.

On July 3, 1984, the revised Constitution was submitted to a national referendum, where it was approved by 78.3% of voters. Following the 1985 general election, the new Constitution came into effect on January 6, 1986, with the inauguration of Doe and the newly elected Legislature of Liberia. According to Article V, Section 13 of the 1847 Constitution which states: "The great object of forming these Colonies,

being to provide a home for the dispersed and oppressed children of Africa, and to regenerate and enlighten this benighted continent, none but persons of color shall be eligible to citizenship in this Republic." The phrasing "persons of color" was changed to "Negroes or persons of Negro descent" in a 1955 revision. This policy of granting Liberian citizenship only to persons who are of African descent and excluding all other races, has begun to receive increasing criticism from the national, international, and regional communities. It must be mentioned that even within Liberia itself. There are developmental advantages in the context of post conflict Liberian reconstruction, health care, education, agriculture, and infrastructure. The wider implications of the policy are part of a heated debate in which indigenous-native Liberians themselves including the author, have acknowledged that non-Africans are crucial contributors to the country's economic activities and innovation system. The features of the first constitution that have been upheld until today include: Article V, Section 13 of the 1847 Constitution which states: "The great object of forming these Colonies, being to provide a home for the dispersed and oppressed children of Africa, and to regenerate and

enlighten this benighted continent, none but persons of color shall be eligible to citizenship in this Republic." The phrasing "persons of color" was changed to "Negroes or persons of Negro descent" in a 1955 revision. This paper, therefore, challenges many dogmas of so-called global cultural diversity and race relation and ethnic pluralism in Liberia. The underlying assumptions about racial issues and cultural differences is creating in many instances, as disparities to Liberian human growth and development.

Conclusion

In retrospect, in 1973, Liberia introduced its Aliens and Nationality Law. This, and the country's 1986 Constitution, allow only people of "Negro descent". This means that only people who are black, to obtain Liberian citizenship by birth, ancestry, or naturalizations. In contrast, the 1973 law also banned dual citizenship. Many Liberians at home and abroad have questioned the citizenship regulations. But historical and contemporary developments explain why the laws are seen by some as "protectionary". They are viewed as guarding Liberians against any kind of foreign domination. This is absolutely a correct conjecture. However, what has

become locally known as the “Negro clause” was driven by free blacks and manumitted slaves who fled 19th century racism and economic servitude in the US and the Caribbean. They established Liberia as a haven where they would be the sole owners of capital, land, and the means of production. In Other countries, among them Chad, Malawi and Mali, historically restricted citizenship to people of “African origin” or “African race”. But those laws have been scrapped over time. Liberia is one of two countries in Africa that have maintained the “Negro clause”. Sierra Leone is the other. There, however, so-called non, “Negros” can naturalize. Liberia is also one of only eight countries on the continent that ban dual citizenship.

Conclusively, the author would like to substantially allude to Brother Winston Tubman’s analysis in concluding this research; that “Professor Greenleaf’s desk remains at Harvard still but following the Liberian Coup of 1980. His 1847 Liberian Constitution was suspended and eventually abrogated. Later, even though great gains had been registered by mankind, not excluding the United States, in combating racism, Apartheid and other heinous forms of discrimination, the 1986 Constitution of Liberia, currently in force, still proclaims

that: “Only persons who are Negroes or of Negro descent shall qualify by birth or naturalization to be citizens of Liberia.” Liberian Constitution in the 21st Century be reason for Liberia to be ostracized, scorned, and sanctioned? Isn’t the time long past when we, the tolerant, fair-minded, diversified, kind-hearted, so-called humanistic and friendly people of peace-loving Liberians acted to remove the racist anachronism from our pre-historic constitution? Yes we must and yes we can.

Recommendation

This study recommends that Liberian 1847 Constitution amends its Chapter IV: Citizenship Article 27 be amended. Predicate to this, is that, the Republic of Liberia was founded by free Americans of African origin who, with the assistance of their captive agents, formed the American Colonization Society and returned to establish a republic on Africa’s soil known today as Liberia, Nationality law is based on its first constitutions enacted in 1847 and revised in 1955 and 1984, and that, Liberia’s citizenship laws are explicitly racist, and sexist must be amended. And that the policy of granting Liberian citizenship only to persons who are of African descent and excluding all other races, has begun to

receive increasing criticism from the national, international, and regional communities. For instance, President Ellen Johnson Sirleaf, Honorable Winston Tubman, Dr. Koniah T. Kolllehlon on Race, Citizenship, and Property in Liberia, a Sociologist's point of view. Atlanta, and Georgia March 19, 2008. Darius Dillion, a respected political figure and senior aide to Sen. Jewel Howard Taylor (ex-wife of former Liberian President Charles Taylor), now the Vice President of the Republic of Liberia, while Darus Dillon is a Senator of Montserrado County, Republic of Liberia, James Burty of VOA, President Weah of the Republic of Liberia, and the author are evidence to substantiate national and international attention on this subject. Therefore, this research recommends the Liberian authorities to study post-Apartheid South Africa's experience and Liberia's closer allies constructively and strategically, with specific concentration on the United States of America; and other culturally conscious and developmentally oriented nations, to consider the immediate and absolute amendment of the 173 years racist Liberian Constitution.

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