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# The New Dawn

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TRULY INDEPENDENT

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# EPS agent shoots soldier

**-One AFL soldier and five others sustain injuries**

# Police confirm



**-several injured in campaign violence**



# Continental News

## AU warns Gabon as Bongo remains incapacitated

The African Union on Saturday warned Gabon to respect constitutional order after a high court intervened in a crisis surrounding the country's hospitalised President Ali Bongo.

A statement by AU Commission chair Moussa Faki Mahamat emphasised that the 55-member group of African nations had a "strong commitment to the full respect of constitutional order in the country".

Mahamat "will deploy a fact-finding mission to Libreville in the shortest delay," the statement added, after Gabon's Constitutional Court said it had modified the country's basic law to address Bongo's "temporary incapacity".

Bongo, 59, has been hospitalised in the Saudi capital Riyadh since October 24, and after first saying he suffered from "severe fatigue," the president's office admitted

this week that he had undergone surgery.

The Gabonese president's condition had "greatly improved" his office added, and he was "recovering most of his functions" but no

information about his ailment was provided and it was not known when he would return home.

A foreign source told AFP in early November that Bongo had suffered a stroke, but that

has not been confirmed.

Meanwhile, Vice President Pierre-Claver Maganga Moussavou has been authorised to call and preside over cabinet meetings, the first of which took place on Friday in Libreville.

The AU Commission chair urged all who had influence in Gabon to "show the necessary collective leadership during this time in order to preserve unity, peace and stability in the country."-AFP



Gabon's President Ali Bongo (L) has been hospitalised in Ryad since October 24 (AFP Photo/SEBASTIEN BOZON)

## South Africa's Ramaphosa to repay campaign donation

South African President Cyril Ramaphosa is to repay \$35,000 (£27,300) given to his leadership campaign by a firm accused of corruption.

The donor, a firm called Bosasa, has won lucrative government contracts but is under investigation.

Mr Ramaphosa initially told MPs the money had been paid to his son, Andile, for consultancy work for Bosasa.

By later admitting it was a donation, he undermined his own anti-corruption fight, the BBC's Will Ross reports.

The controversy is a setback for a president who has vowed to fight corruption, our Africa editor adds.

Mr Ramaphosa also ordered a review of all payments to his campaign for the leadership of the African National Congress (ANC).

How did this all unfold?

Answering questions in parliament on 6 November, Mr Ramaphosa said money paid to his son by Bosasa (which is now named African Global Operations) had been for legitimate business between the company and Andile.

Then, in a written clarification to parliament this week, he said he had been subsequently informed that the payment did not relate to his son but had been paid into a fund used for his leadership

campaign.

"The donation was made without my knowledge," Mr Ramaphosa wrote. "I was not aware of the existence of the donation at the time that I answered the question."

On Saturday, AFP news agency reports, ANC spokesman Zizi Kodwa told state media the president had "decided voluntarily that he will pay back the said amount".

How embarrassing is this for Ramaphosa?

Mmusi Maimane, leader of the opposition Democratic Alliance, has said the Bosasa payment looks "suspiciously like all other ANC government corruption deals".

Since taking over from Jacob Zuma, who stepped down in February in the face of mounting corruption allegations, Mr Ramaphosa has campaigned for probity in public life.

Just this month, he described the corruption plaguing South Africa as an "amoeba" with "tentacles all over".

Acknowledging that South Africans were angry and needed to see senior government officials tried and sent to prison, he compared the current situation to that of a rape victim forced to watch her attacker go unpunished.

## CAR war crimes suspect handed to global court

A war crimes suspect wanted for alleged murder, deportation and torture of Muslims in the Central African Republic has been handed over to the International Criminal Court in the Hague, the tribunal said.

CAR officials transferred Alfred Yekatom on Saturday to officials from the global court, which is looking in more than six years of violence that has

destabilized a fragile region at the heart of the continent.

Yekatom, a sitting MP once nicknamed "Rambo", was flown out of the country and arrived in the court's detention center in the Hague in the early hours of Sunday, officials there said.

There was no immediate comment from Yekatom or any lawyers representing him.

A U.N. commission of inquiry found that Christian

militias under Yekatom had carried out war crimes and crimes against humanity by targeting Muslims.

The International Criminal Court - set up to prosecute the worst crimes when member countries can not or will not do so - issued a sealed arrest warrant for Yekatom on Nov. 11.

"We allege Mr. Yekatom is criminally responsible for several counts of crimes against humanity and war crimes committed in the Central African Republic between 5 December 2013 and August 2014," International Criminal Court prosecutor Fatou Bensouda said.

"Now, he must answer in court for his actions."

WARRANTS, CHARGES

Bensouda is carrying out two separate investigations into conflicts in the Central African Republic. Yekatom's arrest is the first in the more recent conflict.

A pre-trial chamber found reason to suspect Yekatom of commanding around 3,000 members of an armed group operating within the Anti-Balaka movement, which was carrying out systematic

attacks against the Muslim population.

Among the charges in the warrant are murder, cruel treatment, deportation, imprisonment, torture, persecution, enforced disappearance, and the recruitment of child soldiers under the age of 15.

The former French colony, one of Africa's poorest countries despite reserves of gold and diamonds, was plunged into chaos when mostly Muslim Seleka rebels started attacking towns and

grabbing territory before seizing power in March 2013.

Seleka's rule prompted a backlash from Christian militia known as anti-balaka. Under international pressure Seleka handed power to a transitional government but the move effectively partitioned the country and bloody clashes continue.

No date has been set yet for Yekatom's initial appearance, but he must be brought before a judge within several days under court rules.-Reuters



FILE PHOTO: A Bangladeshi United Nations peacekeeping soldier stands among houses destroyed by violence in September, in the abandoned village of Yade, Central African Republic April 27, 2017. REUTERS/Baz Ratner/File Photo

# EDITORIAL

## Good start towards War Crimes Tribunal

THE FOREIGN AFFAIRS Committee of the United States House of Representatives in its 115th Congress, Second Session took a giant step last Tuesday, 13 November by passing House Resolution 1055, calling for the establishment of an Extraordinary Criminal Tribunal for Liberia.

THE IS THE first concrete effort by the United States Government to make war criminals in Liberia account for their actions during the country's 14 years civil war besides arresting, deporting and prosecuting former warlords who committed heinous crimes and crimes against humanity here, including arming child soldiers.

AMONG OTHERS, THE U.S. House of Representatives upholds its commitment to maintain and foster the enduring relationship between the people and the Governments of the United States and Liberia, while urging the Government and people of Liberia to support the truth and reconciliation process through full implementation of the recommendations of the Truth and Reconciliation Commission, including the establishment of an Extraordinary Criminal Tribunal.

IT ALSO SUPPORTS efforts by the Department of State and the United States Agency for International Development to advance Liberian efforts toward national reconciliation through continued support for the rule of law, effective governance, and the robust role of civil society.

WHILE MOST ORDINARY Liberians are supportive of the formation of a war tribunal that would see key actors of the country's darkest period account for their deeds, others in government and sympathizers think this is an attempt to target individuals unnecessarily, arguing that the past is now behind us, and we should move ahead, howbeit, compromising impunity.

BUT THE UNITED States of America, Liberia's traditional and historical friend, and rest of the international community firmly believes it's time to keep impunity in check.

THE DRAFTER OF Resolution 1055, former Republican Lawmaker Daniel Donovan says wounds from atrocities such as rape, murder, amputation, massacres, among others cannot be healed without justice for victims. Moreover, he notes, this lack of accountability is leading Liberia into a slow creep backwards towards the murderous mayhem of its civil war days.

HE FEARS THAT without justice, Liberia risks further violence and turbulence. And the writings are on the wall here with vicious individuals, some of them ex-warlords threatening to initiate renewed violence.

INDEED, WE AGREED with former Congressman Donovan that, unless we as a nation, allow the rule of law to take its course, Liberia would continue to wallop in a vicious cycle of violence. Once, there is no measure of deterrence in place, former and new groups could take up arms and jump in the bush again under the pretext of liberation.

NEIGHBORING SIERRA LEONE and other countries on the Continent such as Rwanda and Democratic Republic of Congo yielded to war crimes courts; Liberia should not be an exception.

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# COMMENTARY

By Robert Dugger

## The Dred Scott of Climate Change?

*Juliana v. United States is, in the words of Princeton philosopher Peter Singer, a historical turning point, because it addresses the rights of children and future Americans to a livable environment. But what if US courts ultimately rule that future generations have no standing to sue?*

WASHINGTON, DC - In 2015, 21 young people between the ages of 11 and 22 filed a major lawsuit against the US government for failing to limit the effects of climate change. In *Juliana v. United States*, the plaintiffs argue that because they will have to live with the repercussions of global warming for much longer than anyone else, on average, the government's failure to protect the environment violates their constitutional rights to equal protection under the law and due process.

The philosopher Peter Singer points out that this case represents a historical turning point, because it addresses the rights of children and future Americans to a livable environment. But the trial is about more than the environment; it will have far-reaching implications for intergenerational justice more broadly.

Consider the issue of public debt. There have always been moral objections to one generation burdening the next with excessive debt, effectively limiting young people's future liberty by impinging on their ability to form families, educate children, and create wealth. With US federal deficits rising toward \$1 trillion a year, the issue is becoming cripplingly urgent. 1

In deciding *Juliana v. United States*, the Supreme Court must grapple with the fact that the US Constitution does not explicitly recognize future citizens. While it was the first of many national constitutions to embody the Enlightenment principles that citizens are equal under the law and endowed with unalienable rights, it applies those principles only to living Americans. Future US citizens will have rights only after they are born.

That might sound reasonable. But if the interests of future Americans are not protected, powerful actors today can drain resources from the not-yet-born. The result is environmental degradation, unsustainable public debt, and generations of under-educated, unemployable people who will have difficulty raising their own children to become productive adults.

One modern country does recognize this risk in its constitution: Germany. Article 20a of Germany's Grundgesetz (Basic Law) stipulates that, "Mindful also of its responsibility toward future generations, the state shall protect the natural foundations of life and animals by legislation and, in accordance with law and justice, by executive and judicial action..."

By demonstrating that younger living citizens suffer more than their older counterparts from short-sighted fiscal and environmental policies, *Juliana* could be the first step toward recognizing a similar responsibility in the US. It is a small step, but one that could have far-reaching implications for policy, especially at a time when the president and his administration are actively pursuing policies that effectively loot the next generation. And, indeed, US President Donald Trump's administration has resisted the case at every turn.

Earlier this year, a lower court ruled that the case could go to trial, and the trial was set to begin at the US District Court in Oregon, on October 29. But in late September, Supreme Court Chief Justice John Roberts issued a temporary stay of the case to consider a request from the Justice Department to halt it altogether - a highly unusual move.

Fortunately, the Supreme Court decided to deny the government's request and let the trial move forward. But the Trump administration is not giving up: it has now filed dismissal appeals with the US District Court in Oregon and the Ninth Circuit Court of Appeals in San Francisco.

Trump administration attorneys insist that the case is "nonjusticiable," meaning that the courts are not the proper venue to resolve the issues in *Juliana*; even if this was not the case, they continue, the plaintiffs lack standing to sue. The US federal courts from the district level up to the Supreme Court - all of which have already ruled that the case should go to trial - clearly disagree.

There are parallels between *Juliana v. United States* and the Supreme Court's infamous decision in *Dred Scott v. Sandford*. *Scott*, a slave, sued for his and his family's freedom in 1857 - eight years before the US Constitution's 13th Amendment abolished slavery. Chief Justice Roger B. Taney ruled that slaves and their descendants were "beings of an inferior order" who had "no rights which the white man was bound to respect." *Scott*, therefore, had no standing to sue in federal court.

Will Kelsey *Juliana*, the chief plaintiff in the federal suit, also be denied? Already, in the US Supreme Court's comments about *Juliana*, there are echoes of *Dred Scott*.

Ultimately, however, the *Dred Scott* ruling was out of touch not only with basic morality, but also with the growing economic and cultural power of the North and the direction of US history. That is what we are seeing today, both in the Trump administration's claims that *Juliana* is nonjusticiable, and in US law's antiquated failure to recognize future Americans' rights to a livable environment, unburdened by excessive debt. 1

Opponents of *Juliana*, including the politically influential energy industry, cynically hope that they can succeed in getting the case dismissed and put generational rights in the hands of a deeply divided - and, for powerful vested interests, pliable - Congress. Like the opponents of emancipation in the 1850s, they count success in terms of the few months or years they can continue to benefit from the Constitution's lacunae. And they may well be able to hold onto the past a little longer. When it came to abolishing slavery, the US trailed the United Kingdom by more than 30 years - a delay that only made matters worse in the mid-1800s.

But the direction of history is clear. The tide is turning against permitting living citizens to exploit their children and grandchildren. In this sense, whatever the outcome, *Juliana v. United States* is just the beginning.

## O-PED

By Bill Emmott

# Give Italy's Government a Chance

**L**ONDON - In Europe, hardly anyone has a good word to say about Italy's upstart ruling coalition, which comprises the populist Five Star Movement (M5S) and the nationalist League party. The only disagreement is between those who want to penalize Italy immediately for defying eurozone budget rules and those who are willing to delay punishment, or at least administer it more slowly. But here's an idea: Why not eschew punishment altogether and give Italy's government a chance?

The reason is not that the coalition is particularly likeable. It isn't. M5S goes out of its way to insult and threaten critical journalists, and the League disparages immigrants and badgers local governments that show hospitality toward asylum seekers who have risked their lives crossing the Mediterranean.

Still, there are good reasons to reserve judgment on the government. After all, it is still very new, is domestically popular, is in a position actually to do some good, and is challenging fiscal rules that needed to be reformed anyway.

Yes, the M5S/League coalition is noisy and rebarbative. Under the de facto leadership of the League's Matteo Salvini, the interior minister, it has a knack for annoying domestic and foreign critics alike on a daily basis. But while it already feels as if Italy's populists have been around forever, it is worth remembering that their government is barely six months old.

No government should be judged so quickly unless its actions (not just its words) are so reckless as to endanger the country's constitution, security, or stability. The M5S/League coalition has not yet done that. What it has done is propose an annual budget that entails a deficit of 2.4% of GDP in 2019 - around three times larger than the deficit proposed by the previous government, but hardly huge by international standards.

As expected, the budget proposal drew fire from the European Commission, which could open its first-ever "excessive deficit procedure" against a member state. But the government is chiefly proposing increased public spending and tax-cut handouts designed to deliver on its members' campaign promises. Such measures may prove wasteful or ineffective, but they do not rise to the level of being reckless.

Moreover, unlike many new governments, the M5S/League coalition's popularity has grown since it came to power. Together, the two parties have more than 60% support among Italian voters. That may not last, but nor can it be ignored.

And while some of the coalition's popularity is due to support for unattractive policy positions - namely, the ruling parties' anti-immigrant stance and confrontation with the EU - it also reflects voters' desire for a modernized welfare state. A charitable interpretation of the coalition's intent is that it is pursuing a system modeled on the successful "flexicurity" measures pioneered by Denmark. (And, of course, tax cuts and pension hikes never go down badly with voters.)

To be sure, the "citizenship income" proposed by M5S will be devilishly hard to implement. The idea is to furnish a monthly payment of €780 (\$888) to those who are actively looking for a job, and to register and guide recipients through local job centers (as in the Danish model). The problem is that Italy's local public administration is notoriously ineffective, especially in the south, where unemployment is highest.

And yet, even if there is good reason to be skeptical about the plan, it is nonetheless a step in the right direction. It may take a decade to test its feasibility and optimize its implementation. But it is about time that an Italian government at least started the process.

The government's budget as a whole should be viewed in the same spirit. Independent economists are surely right that it will not deliver the growth boost that the coalition has promised. Though the budget would provide a broad sprinkling of cash, it does not amount to a well-focused stimulus effort.

But, rather than risk a full-scale crisis by blocking Italy's 2019 budget, the European Commission would do better to push for more focused structural reforms in 2020, after the coalition parties have met their campaign promises. Whereas higher interest rates on Italian government debt and a confrontation with the EU could lead to recession and even disaster - if it prompts threats of an "Italexit" from the euro - a more accommodating approach could forestall the worst.

Among Italy's main economic weaknesses are its historically low levels of public investment and its creaking infrastructure, as evidenced by the tragic collapse of the Morandi Bridge in Genoa this August. Unfortunately, the coalition is currently divided over infrastructure spending. While the League has been pressing for more high-speed trains and new roads, some in M5S remain in thrall to an anti-capitalist, anti-development ideology. This impasse needs to be broken, either within the coalition or through a new general election in 2019 if necessary.

In the meantime, the remaining 18 eurozone member states should consider whether the 2012 "fiscal compact" that they forged in the thick of the euro sovereign-debt crisis needs to be updated. Mario Monti, Italy's prime minister at the time, has long pressed for capital investment to be treated differently than current expenditure, so that countries like Italy can still pursue desperately needed infrastructure spending.

Monti's advice should be followed. And while eurozone governments are debating the issue, they would do well to cut Italy's government some slack. Another former Italian prime minister, Romano Prodi, once dubbed the EU's Stability and Growth Pact "stupid." To force a confrontation with the eurozone's most populist - and popular - government in the name of outdated, overly rigid rules would be stupid indeed.

## OPINION

By Zaki Laïdi

# Europe's New Political Battle Lines

**P**ARIS - French President Emmanuel Macron has framed the European Parliament election in May 2019 as a battle not between the traditional right and left, but between populists and pro-European progressives like himself. Greek Prime Minister Alexis Tsipras recently adopted similar rhetoric, declaring that "all progressive, democratic, and pro-European forces have a duty to stand side by side on the same side of history." Would such a fundamental Europe-wide political shift - much like the one in France that brought Macron to power last year - actually come to pass?

The European People's Party (EPP) on the right and the Progressive Alliance of Socialists and Democrats (S&D) on the left have long shared control of the European Parliament, where they have governed by compromise. But, over time, this has produced a kind of political homogenization in Europe, leading to mass abstentionism. Those who do vote increasingly choose anti-establishment parties that often espouse extreme views.

As a result, whereas the EPP and S&D controlled 61% of the European Parliament in 2009, they won only 54% of the vote in 2014, meaning that the body was very nearly dominated by extremist parties. The 2019 election is likely to produce even more losses for the establishment parties, which are expected to win only 45% of seats.

At this stage, it is doubtful that anyone would consider running a campaign on the basis of left-right divisions - not least because of deep rifts within the parties themselves. On the right, the EPP is divided between pro-European liberals and conservative Euroskeptics, despite endorsing Manfred Weber of Germany's Christian Social Union as the EPP Spitzenkandidat.

At the recent EPP Congress in Helsinki, European Council President Donald Tusk was explicit: breaching the rule of law is incompatible with belonging to the Christian Democrat family - a message obviously aimed at Hungarian Prime Minister Viktor Orbán. In the European Parliament, the EPP even voted in favor of invoking Article 7 of the Treaty of Lisbon against Hungary, a move that would impose sanctions in response to the Orbán government's systematic violations of judicial independence, freedom of speech, and the rights of minorities and migrants.

But the EPP's vote was largely motivated by its desire to preserve its chances of remaining the largest EU party and ensuring that Weber becomes the next European Commission leader. More broadly, strong political pressure forced the EPP's hand; under different circumstances, the party probably would have been happy to allow Orbán to continue breaching democratic norms unchecked, in order to preserve its own hegemony in the EU Parliament.

But in refusing to clarify its position on Orbán or expel him, the EPP is taking an enormous risk. If the European Council chooses Weber as the next European Commission president, both social democrats and liberals in the European Parliament could refuse to vote for a candidate from a party that keeps Orbán in its ranks. That is why Macron, who has an interest in dividing the EPP and luring its liberal wing to join him, opposes the Spitzenkandidat system.

There are three alternatives. First, the European Council could choose an EPP candidate who is less ambiguous on Hungary. Brexit chief negotiator Michel Barnier could be a serious substitute for Weber - probably the only one within the EPP.

The second alternative would be to endorse the Dutch Labour Party's Frans Timmermans, who took a very strong position against Orbán and is acceptable to German Chancellor Angela Merkel and EPP liberals. To be sure, Merkel might prefer Weber. But if the European Council is deadlocked, and the European Parliament opposes her choice, she could endorse another candidate. The decline of the S&D also makes it implausible that Weber could get their support.

The third option could be a candidate endorsed by the Alliance of Liberals and Democrats for Europe (ALDE), such as Margrethe Vestager, the EU competition commissioner. Some observers argue that the Danish government will never propose Vestager as their candidate. But Macron, who strongly supports Vestager, could endorse her as the French candidate - an unprecedented move that would accelerate the Europeanization of continental politics.

Overall, populist forces could well secure a majority in the European Parliament, though they will not operate as a unified force under a single political banner. In such a scenario, Macron would need to build political coalitions with either the EPP or the S&D, whose views largely align with his vision for EU - and, more important, eurozone - reform. In fact, like the rule of law, eurozone reform is a key fault line along which political alliances will be established.

Macron is already marshaling support among center-right leaders in Spain and the Netherlands, who are more sympathetic to his vision for European integration. He has established a good rapport with Dutch Prime Minister Mark Rutte, even though Rutte opposes the eurozone reforms Macron advocates.

Two other issues will likely shape the outcome of the European Parliament election. First, Europe's leaders will have to address the need to reinforce the EU's external frontiers, especially through the long-overdue deployment of a European border patrol. Such a proposal will undoubtedly rile nationalist populists, who will oppose the deployment of a European force, even as they rail against migration.

Second, Europe's leaders will need to commit to combating tax evasion and avoidance by major companies, especially the big tech firms. This is a high-stakes issue, as it will determine the capacity of states to remain fiscally solvent in increasingly digital economies.

Some progress has already been made on this front, thanks largely to Vestager. But stronger action is needed, not least because EU countries continue to grant corporate tax abatements. And with Germany reconsidering its support for a French-backed plan to tax the revenue of large technology companies at the EU level, further progress is far from guaranteed.

Perhaps Europe's ongoing political realignment will enable the realization of Macron's vision of a stronger, more integrated Europe. While recent challenges - not least Italy's budget battle with the European Commission - indicate that such an outcome is far from assured, it remains the most credible counterweight to the rise of populism.

## ARTICLE

# Lawyer writes Legislators

## *-Over tenure positions*

**T**hank you, Mr. Chairman, committee members, Representatives, and interested citizens for the opportunity to speak to you about “An Act prohibiting the Tenure of Public Officials within the Executive Branch of Government.” My name is Kunkunyon Wleh Teh.

I am a graduate of the Cuttington University (BA, Sociology/Dev. Studies); Louis Arthur Grimes School of Law, University of Liberia (LLB, General Law), and Emory University School of Law, located in Atlanta, Georgia, U.S.A. (with a Master of Law degree (LLM), General Practice & Ethics, Constitutional Law). I am also a lecturer in Constitutional and Administrative Law at the AMEZU and currently a partner at the International Law Group, LLC. I am a Liberian lawyer and advocate. I have spent most part of my career doing integrity work with: NEC, FIU, and SPTF.

As a lawyer, it is my responsibility as a public citizen, with a unique responsibility for the quality of justice and the rule of law in Liberia. I am not here in a representative capacity of any client. Instead, I am here in my capacity as a public citizen seeking to improve the law, the administration of justice and the quality of service rendered by the legal profession.

Again, let me express especial thanks to you, Mr. chair and to all committee members for being farsighted to initiate such a prudent exercise; particularly, for giving me this occasional opportunity to make a public statement on the bill submitted by His Excellency George M. Weah, President of the Republic of Liberia.

While I do not oppose the right of the President to submit a Bill to the Legislature to repeal the tenure provisions, I am concerned about the potential legal and constitutional issues that may follow if we ignore certain basic principle of constitutional governance. First and foremost, let me address your inquiries in two folds: the procedural and substantive concerns surrounding the entire subject. First, as to the procedural concerns raised - about the President's submission of a bill to the Legislature to repeal tenure provisions in the Acts creating “administrative agencies” - it is my opinion that the President acted within the confines of the law. Cf. The Constitution of Liberia (1986), art. 35.

The President has two options (legislative or judicial) to correct legislation he believes usurp his executive powers to “enforce the laws of the Republic” and “appoint.” See, The Constitution of Liberia (1986), art. 50, 54. Hence, the President sought legislative action to repeal tenure provisions in the laws creating several administrative agencies of government. Seeking legislative action to repeal the tenure provisions amplifies President Weah's willingness to coordinate with other branches of government. See also, The Constitution of Liberia (1986), art. 3.

Seeking judicial action to invalidate statutory provisions which provide tenures for positions in the executive would have unquestionably triggered judicial and or political contestation, and perhaps become inexpedient but for certain international commitments. No doubt that a commissioner so removed is likely to seek remedy through judicial review. See generally, Isaac Jackson v. The Administration of the Liberia Maritime Authority and the Executive Branch of Government, October Term, A.D. 2018, S. Ct. (2018).

No doubt that a political feud is likely to follow any removal that may appear arbitrary. See, e.g., Webmaster Admin, President Weah should Give His Proposed Tenure Bill A Rethink, Daily Observer, Nov. 2, 2018. That certain international commitments would be breached thus making Liberia vulnerable among the comity of nations. See generally, Edwin G. Genoway, Liberia Lacks Funds to Publish LEITI Report, Front Page Africa, Nov. 9, 2018.

Therefore, the President acted in a lawful and politically expedient way to place checks on such delegation of

power by the Legislature when he submitted the bill. Now, I shall proceed to the second and most intriguing concerns, that is, the substance of the President's bill. It is obvious that the substance of the bill to repeal the tenure provisions incites compelling constitutional and legal discussions. I do not agree with the phrase “necessary and convenient” as used in section two of the bill. It offers a subjective test that has to do with the opinion of the person implementing the law. It also leaves room for fuzzy interpretations and an exercise of unlimited discretion. Instead, I recommend the phrase “necessary and proper.”

Necessary and proper is defined as “any useful means to achieving the end of an enumerated power and other implementing authority along with the power. See, *MacCulloch v. Maryland*, 17 U.S. 316 (1819). Necessary and proper also means “those things needed in the course of carrying into execution vest power.” *United States v. Comstock*, 560 U.S. 126 (2010).

Therefore, the use of the phrase necessary and proper would allow the application of an objective test. Whether the legislature has the authority to limit executive interference and provide for independence to heads of administrative agencies: I think so and I think not. Why? To determine whether an act is constitutional or unconstitutional one must first decide whether the Constitution “authorizes” or “Prohibits” the act. Why not? One might be tempted to conclude that Article 89 of the Constitution authorizes the Legislature to limit executive interference and provide for independence to heads of administrative agencies.

Let me first clarify that text and intent of Article 89 seek to give independence to the agencies and not the individual officers. However, the Legislature reasoned that giving protections to persons serving those agencies is necessary and proper to achieving the goal of independence that Article 89 authorized the Legislature to create.

Further, I do not agree that the legislature can limit executive interference and provide for independence to the heads of all administrative agencies. I have reached this conclusion with the understanding that there are two kinds of administrative agencies: Independent and executive agencies.

The central puzzles in administrative law is the concept of independent agency. Ronald M. Levin, *Administrative Law and Process* 53, (6th ed. 2017). A major difference between these two agencies is that the independent agencies do not serve “at the pleasure of the President.” The Legislature in pursuant to Article 89 cannot abdicate or limit powers expressly enumerated in the Constitution to the executive. Because our Constitution vests all executive powers in the President, to do that will amount to nondelegation of powers and effectively violate Article 3 of the Constitution (separation of power). An administrative agency is like any agent acting on behalf of a principle. Thus, the Legislature cannot give away executive power because it does not have. The Legislature is not the principal for such power. Therefore, it is my opinion that the legislature cannot limit or abdicate executive control or appointment power over agencies that exercise purely executive functions.

The Constitution of Liberia (1986), art. 3, 50, 54, and 56. I think the Legislature can limit executive interference and provide independence to administrative agencies that do not exercise purely executive function. I recognize that independent agencies perform functions that would be normally associated with the executive branch, yet they are not under the full control of the executive. Agencies may need some form of functions enumerated to each branch of government to be effective. This is an acceptable exception in constitutional and administrative law in as much as the dominant function which the independent agency

exercises is not one of the Executive. To allow the President to exert direct political control over independent agencies that carry out legislative and or judicial functions will also violate Article 3 of the Constitution.

This is true because the division of powers among the branches was designed to create a system of checks and balances and lessen the possibility of tyrannical rule. Therefore, such control will violate the constitutional guarantee of separation of power in Article 3. Further, because most integrity institutions are established to exercise legislative functions, they must function independently of executive interference or control. Emphasis.

The Legislature has broad power to investigate implementation of statutory programs and to expose corrupt or ineffective administration must also be emphasized. Therefore, in pursuit of this goal, the legislature properly created independent agencies and delegated legislative functions. The Constitution of Liberia (1989), art. 89.

The executive cannot lawfully question that or seek to control such power. Hence, the legislative grant of power or integrity agencies exercise of legislative functions does not in any way limits the President's power under Article 50 or 56.

In addition, the said grant of legislative power supports public interest and legitimizes the workings of government in that it aims to maintain integrity within our governance system. It is also my opinion that such delegation makes political accountability an effective tool for our constitutional democracy. Another concern bearing on the substance of the President's bill is the term “autonomous” as used in Article 89 of the Constitution.

It is my opinion that autonomy does not necessarily means tenure or “fixed period of years.” Autonomous could mean any statutory provisions protecting the agency from arbitrary political control or removal. The Legislature is the body best suited and authorized to give prescriptions for what autonomous is or what it means for agencies established under article 89 that do not perform purely executive functions. In the Liberian parlance “the President has no fish to fry” in such delegation (when the legislature delegate legislative or judicial functions).

Also, in rare cases, courts will uphold delegation of certain functions that are not legislative or judicial when such delegation does not impede the President's “ability to perform his constitutional duty.” See, *Morrison v. Olson*, 487 U.S. 654 (1988). I would like to argue this principle in favor of Social Security Corporation.

Lastly, I would like to sound a caveat that the President has massive powers to indirectly assert political control over independent agencies. Few of these powers could be using the budget office or the Ministry of Finance and the Ministry of Justice to control autonomous agencies - especially integrity institutions (which are deemed arms of the Legislature). Therefore, the Legislature must go further to narrow these loopholes and or fully implement statutory provisions requiring the National Elections Commission and the General Auditing Commission to submit their respective budget(s) directly to the Legislature. To conclude, I like to recommend that: a. the Legislature review all these tenure provisions on a case-by-case basis; b. ascertain what function each agency primarily exercises, if purely executive, strip away the tenure or the protective enclave that shield these officials from executive control; c. if the agency exercise primarily legislative (integrity) or judicial functions the legislature must do everything to ensure that its independence is maintained and or strengthen the agency; and, d. the Legislature should at all-time encourage public debates on critical national issues of such, and kindly extend invitation to experts on this subject to extent of looking at each of these agencies and the functions.

# MORE HEADLINE NEWS MORE HEADLINE NEWS

## Support diabetes patients -Dr. Moeti calls on family members

In observance of "World Diabetes Day," World Health Organization (WHO) Regional Director for Africa, Dr. Matshidiso Moeti, emphasizes the need for family support to people struggling with the disease.

She says while diabetes can sometimes occur as the result of genetic factor, family support to a relative struggling with the disease is a key benefit for them.

"For instance, families can choose to buy and serve healthy and balanced diets, encourage participation in physical activity, and promote healthy living environments. Prevention of Type 2 diabetes and other non-communicable diseases should begin early in childhood and continue throughout life," he admonishes.

The WHO official observes that in many settings in Africa, half of the people living with Type-2 diabetes are unaware of their disease and are not receiving treatment.

She made the call recently at program marking the observance of the 2018 World



WHO Regional Director for Africa, Dr. Matshidiso Moeti

Diabetes Day at the Ministry of Health in Congo Town outside Monrovia.

The WHO Regional Director, whose message was conveyed through a proxy, notes that early diagnosis and treatment are important for preventing complications of diabetes.

Doctor Moeti continues that since diabetes can potentially

strike any family, awareness of the signs, symptoms and risk factors is important to help detect it early.

"Having diabetes can also drain family finances when people with diabetes have to pay out of their own pockets for treatment. Disability or premature death due to diabetes can push families into

poverty, diabetes is also a huge burden on the healthcare system and the national economy," she further warns.

However, she discloses there is hope, as world leaders have agreed to take responsibility themselves for their countries' effort to prevent and treat non-communicable diseases, including diabetes.

She says they committed to implementing public education and awareness campaigns to empower individuals and families with information and education to prevent diseases like Type-2 diabetes, and ensure that people have access to early detection, diagnosis and treatment.

However, Doctor Moeti calls on governments around the world to accelerate access to such services for everyone, through people-centered primary health care and universal health coverage.

She adds that WHO will continue to support governments to improve the prevention and control of diabetes and other non-communicable diseases.

"I urge everyone to eat healthily, be physically active and avoid excessive weight gain. Families can help to drive down diabetes through promoting healthy lifestyles and supporting family members with diabetes", she recommends. -Editing by Jonathan Browne

## #To empower Liberians, enforce the exclusive Liberians business act. #

### NATIONAL PORT AUTHORITY (NPA) FREEPORT OF MONROVIA REQUEST FOR EXPRESSION OF INTEREST (REOI)

#### RESTRICTED TO LIBERIANS OWNED BUSINESSES (SBA)

1. The Government of the Republic of Liberia through the National Port Authority intends to apportion part of its revenue for Fiscal Years 2018/2019 towards the hiring of a Land Surveying Firm to survey approximately 500 acres of land located at the port area, Buchanan City, Grand Bassa County, R.L. under the contract Package IFB N0. NPA/SBA/QBCS/004/ 18/19.
2. The Authority now invites eligible and registered Land Surveying Firms to submit their Request for Proposals in providing the surveying services. Interested consulting firms must provide information indicating that they are qualified to perform the services by submitting their detailed information (brochures, past performance records, references of similar assignments executed in the recent past). They must also provide description of work experience both general and on similar assignments. More details on the services are provided in the Terms of Reference.
3. All Bids must be accompanied by a Bid Securing Declaration Form.
4. Qualification requirements include:
  - I. Articles of Incorporation
  - II. Valid Tax Clearance
  - III. Valid Business registration Certificate
  - IV. Must be duly registered with PPCC (Vendor List)
5. Interested consultancy firms may obtain copy of the bidding document from the Procurement Department for a non-refundable fees of **US\$51.50** beginning 19 November 2018 from 8:30 AM to 4:30 P.M. Mondays through Fridays.
6. Sealed Bids must be delivered to the Procurement Department not later than 11:00 A.M. on 11 December. Late bids will be rejected and returned to the bidders unopened. Bids will be opened in the presence of bidders who choose to attend or their representatives on 11 December 2018 at 11:30 A.M. in the National Port Authority Conference Room.

The address referred is:  
The Procurement Department  
National Port Authority, P. O. Box 1849  
Freeport of Monrovia,  
Bushrod Island

Tel: +231-886 - 523- 531 - nyanwayman@gmail.com

Signed:   
MANAGEMENT

## N' Kru Town coastal defense project progresses

By Emmanuel Mondaye

The coastal defense project in the Municipality Borough of New Kru Town, Monrovia resumes after one month suspension with tranmedeous progress.

Our reporter who, visited the project site recently observed that prior to the halt in late October, work had reached the back of the D. Twe Memorial High School, but is now in Foday community.

They are hopeful that work would soon reach the Lagoon in the borough. They continue that people can now walk from the direction of Popo Beach few kilometers from the National Coast Guard Base to adjacent the Lagoon.

According to them, their only worry is lack of sufficient land space so that in the future, the sea would not have any means of returning to break down



He discloses that yellow mechnes were busy, pushing rocks toward the Atlantic Ocean while dump trucks conveyed them to the project site without delays.

Several residents spoken to near the project site including Messrs. Joseph Koon, Slewion Koffa, and Josephine Torh expressed satisfaction the project is progressing.

their homes. The coastal defense project, initially by the Government of Liberia is being supported by the United Nations Development Program (UNDP).

Several thousand United States Dallors is being allotted to ensure the project becomes successful to save the Borough of New Kru Town with over 50,000 inhabitants. -Editing by Jonathan Browne

# MORE HEADLINE NEWS MORE HEADLINE NEWS

## MCC ends two days solid waste stakeholder conference

### --Signs resolution

By Lewis S. Teh

Stakeholders attending the Monrovia City Corporation (MCC) two days Solid Waste conference have signed a resolution for a sustainable development of waste management support in Monrovia.

The resolution was signed at the end of a two - day solid waste stakeholders conference.

The resolution among other things focuses on increasing national budgetary support for the management of waste in Monrovia, identifying revenue resources for waste and supporting the value chain for waste which includes recycling and reusing.

The resolution also calls for citizens' action to support the waste sector, rally the local community to take responsibility of waste they produce and obligate the local business community to MCC's waste management program.

Representatives from various groupings including key actors within the waste sector who affixed their signatures to the resolution say the document will drive MCC's solid waste



City Mayor Jefferson T. Kojee

management plan in order to address the waste challenges the city is faced with.

City Mayor Jefferson T. Kojee declares waste management a "potential national security threat" which requires a head-on approach.

He says improper waste disposal is a national security threat which requires a set of holistic approaches anchored on firm community engagement.

He references the rapid spread of the 2014 outbreak of the deadly Ebola virus which he notes can be traced to the fundamental challenge of waste management in Monrovia and other areas.

He vows that the City Government will not hesitate to implement or enforce the outcome of the stakeholder's dialogue which seeks to promote a healthy, clean and green environment.

The Commissioner for

Environment of Lagos, Nigeria, Dr. Babatunde Adejare told participants at the start of the conference Friday, "the fight against waste must be intensified not just Liberia, but across Africa".

"This will serve as a beginning of promoting a safe, clean, green and united Africa", Dr. Adejare told the gathering.

He lauded the MCC for steps taken to solve improper waste disposal which according to him has become "a national embarrassment to the rest of Africa".

Montserrado County Superintendent Florence Brandy for her part cautioned communities to lead the campaign against garbage,

stressing that improper waste disposal cannot be fought without citizens' participation.

Meanwhile, the stakeholders' conference targeted a review and update of current solid waste disposal mechanisms as well as brainstorm on best practices and effective strategies for the sanitary well-being of Monrovia and its people.

Stakeholders and institutions invited to participate in the two days conference shared their entities' works, programs and support to solid waste management within the city limit of Monrovia.--Edited by Winston W. Parley

## Margibi apportions development funds

By Bridgett Milton

As a mean of fast-tracking development projects in Margibi County, the people of Margibi have apportioned development fund to various sectors of the county.

Delegates at the just ended County Sitting organized by the County Legislative Caucus under the leadership of District Number Four Representative Ben Fofana, resolved through a resolution that the amount of US\$ 232,666 be divided to benefit all five electoral districts, and other areas of priority.

The 147 delegates resolved that an amount of US\$15,000 for each district, US\$ 23,000 for the Project Management Committee (PMC), which constitutes 10 percent of the total fund.

Additionally, they agreed that an amount of US\$27,500 goes towards outstanding debts owed by the county during the previous county meet, and US\$25,000 for the impending 2018/ 2019 County Meet.

An amount of US\$7,166 was also allotted to the office of the Superintendent for emergency operations.

Earlier, the Secretary of the

Legislative Caucus Margibi County District # 2 Representative, Ivar K. Jones informed the delegates that the County was heavily indebted in the amount of US\$27,500 during the previous county meet.

Rep. Jones also notes that there was an amount of US\$50,000 left from the county's account.

He names series of challenges in various districts, including scholarships, concession disputes, such as Firestone Plantation, the incomplete Unification Town project, among others.

He discloses that an amount of US\$207,666 was allotted in the National Budget as County Development Fund, and US\$25,000 for Social Development Fund, totaling US\$ 232,666.00 for the entire Margibi.

Margibi County Superintendent Jerry Varnie says he inherited a zero balance account from predecessor Piah.

Varnie however says his administration has initiated an audit of the past administration, noting that there were several projects funded by the CDF which are yet to be completed.

## CDC threatens court action

By Lewis S. Teh

Ruling Coalition for Democratic Change (CDC) says it will take Liberty Party (LP) political leader and Grand Bassa County Senator Nyoble Kanga Lawrence to court for

Headquarters that the party's decision against Senator Lawrence results from her claim that a supporter (of Cornelia Kruah - Togba) was killed at the close of campaign rally by CDC supporters.

Montserrado District #13.

Madam Togba stands the opposition party ticket to contest against the CDC's Weah and other candidates in the district.

A lady said to be a supporter of Cornelia was reportedly stabbed in the stomach and killed by CDC supporters, with several others wounded in violent clashes.

But CDC Chair Mulbah Morlu says the opposition's claim is false and intended to tarnish the reputation of the party.

He claims that he saw different outlets reporting falsehood, but he thinks it was because they put themselves behind a weak candidate.

According to him, the testimony of the Liberty Party standard bearer was a falsification of facts and a mere fallacy.

According to Morlu, the party is determined to drag Sen. Lawrence to court.

"Our decision to take the senator to court is to demand the facts from her, because at no point in time did any member of the CDC walk around with cutlass as been asserted by the senator," he says.

According to Sen. Lawrence, she watched CDC



allegedly telling lies against the party.

CDC Chairman Mulbah Morlu said at a press conference addressed Sunday, 18 November at CDC

Three opposition political parties including the Unity Party, Liberty Party, and the Alternative National Congress joined forces against the CDC candidate John J. Weah in

youth league chair and Monrovia City Mayor Jefferson Kojee and a group of uniformed men walking through the crowd with cutlasses, and severely wounded many people.

She says the incident took place while she was at the campaign rally of Cornelia Kruah Togba, a district #13

representative candidate for Unity Party which forms alliance with Liberty Party and the Alternative National Congress.

Sen. Lawrence says the CDCians also destroyed campaign equipment and disrupted the entire rally.--Edited by Winston W. Parley

# Français

## Affaire 16 milliards : un député et un journaliste sont visés par une enquête parlementaire

**L**e journaliste libérien Philibert Browne et le représentant du district 10 du comté de Montserrado, Yekeh Kolubah, feront l'objet d'enquêtes parlementaires distinctes pour leurs déclarations relatives à la disparition présumée des 16 milliards de dollars libériens.

Le journaliste Browne doit faire face à la Chambre des représentants ce lundi 19 novembre compte tenu de ses propos sur une chaîne de télévision de la place. Il a déclaré le mercredi 14 novembre que plus de 15 députés ont reçu des pots de vin afin d'autoriser l'impression des billets de banque additionnels d'une valeur de 10,5 milliards de dollars libériens.

Quant au représentant Kolubah, il doit répondre aux questions de la Chambre pour avoir affirmé que l'un des conteneurs qui ont été portés disparus se trouvait au domicile du Président George Manneh Weah.

Dans deux communications adressées à la chambre des représentants le jeudi 15



novembre dernier, le représentant Samuel Kogar du district 5 du comté de Nimba a tenu à ce que ces deux personnalités fassent l'objet d'une enquête parlementaire pour leurs propos dans le cadre de la disparition présumée des milliards de dollars libériens.

Les observateurs politiques s'étonnent de ce que les législateurs agissent aussi rapidement contre Browne et

Kolubah pour protéger leur image et celle du président dans ce dossier alors que des mesures similaires n'ont pas été prises contre le sénateur Prince Yormie Johnson, ancien chef rebelle, qui menace de mettre le pays à feu et à sang pour s'opposer à la création d'un tribunal chargé de juger les criminels de guerre. Ils ne s'en sont pas non plus pris au président de la coalition au

pouvoir, M. Mulbah Morlu, qui a pourtant déclaré avoir vu deux personnes à bord d'une pickup remplie de beaucoup d'argent en provenance de la banque centrale du Libéria et disparaître dans la nature.

Dans les années 1990, Prince Johnson a eu sous son commandement une faction rebelle dissidente redoutée dénommée Front patriotique national indépendant du Libéria (INPFL). La force était essentiellement composée des hommes et femmes de la tribu Gio dont il est lui-même originaire, dont certains sont devenus députés à l'Assemblée législative. Il menace de faire la peau à ces derniers pour leur soutien à la création du tribunal spécial des crimes de guerre et des crimes contre l'humanité.

Il semble que ses menaces de mettre le pays à feu et à sang ne soient pas assez sérieuses aux yeux des membres de la chambre des représentants, contrairement

aux propos du journaliste Browne, rédacteur en chef du quotidien local Hot Pepper Newspaper. Ils veulent qu'ils donnent les preuves de ses allégations selon lesquelles certains législateurs ont pris des pots-de-vin pour autoriser l'impression des 10,5 autres milliards de dollars libériens.

Dans sa communication, le représentant Kogar a indiqué que le journaliste a révélé mercredi qu'il existait des éléments de preuve qui montrent que plus de 15 législateurs ont reçu des pots-de-vin à deux occasions séparées.

Selon la communication de Kogar, M. Browne a affirmé que les législateurs ont reçu les pots-de-vin dans la cour de l'école T-Five Academy à Paynesville et dans le garage de la Banque centrale du Libéria (CBL).

Concernant les commentaires du représentant Kolubah, le représentant Kogar écrit à la Chambre pour lui demander de solliciter l'indulgence de la plénière pour soumettre le représentant du district de Montserrado n° 10 à une enquête du Comité des règles, de l'ordre et de l'administration de la Chambre des représentants.

Le représentant Kogar a déclaré que si la révélation du représentant Kolouba selon laquelle l'un des conteneurs portés disparus se trouvait au domicile du président Weah est avérée, alors le président devrait faire l'objet d'une destitution. Encore faut-il que le représentant Kolubah fournisse toutes les preuves dont il dispose.

## Union africaine : ouverture du sommet sur la réforme de l'institution

Le 11<sup>e</sup> sommet extraordinaire des chefs d'Etat et de gouvernement de l'Union africaine (UA) a débuté, ce samedi 17 novembre, à Addis-Abeba. L'enjeu de ce sommet vise à réformer l'institution, héritée

de l'ère des indépendances, pour la rendre plus efficace. Il est question de politiser davantage le rôle de la Commission, de créer une véritable agence de développement de l'UA ou encore de renforcer les

sanctions financières contre les Etats mauvais payeurs de leurs cotisations. Les dirigeants ou leurs représentants étaient, dans la matinée, en session fermée et portes closes mais les échos semblent positifs. Ce samedi matin, à l'ouverture de la session publique, les orateurs ont martelé l'importance de réussir ce sommet.

C'est en français que le Premier ministre éthiopien - dont c'est le premier sommet - a accueilli ses pairs. Abiy Ahmed a rappelé l'engagement de son gouvernement à réformer une volonté qu'il semble vouloir transmettre à l'organisation continentale.

« Depuis toutes ces années, de nombreuses réalisations sont à mettre au crédit de l'Union africaine mais elle est encore loin de là où elle devrait être. La bonne nouvelle, c'est que nous sommes sur le bon chemin », a déclaré le Premier ministre éthiopien.

Donner plus de marge de manœuvre, d'autonomie à la Commission est au cœur des

propositions discutées ce week-end. Cela répond à la logique de cette institution, vieille de 55 ans.

« L'Union africaine - faut-il le rappeler ? - a été créée pour accélérer le projet d'intégration économique et d'unité politique qui est au cœur du panafricanisme. Tout en respectant la souveraineté de nos Etats, elle part du constat que dans le monde actuel, les souverainetés,

chèrement acquises, ne peuvent être préservées que si elles sont mises en commun », a déclaré Faki Mahamat, président de la Commission de l'UA.

Une mise en commun qui fait toujours peur à certains Etats. Les réformes proposées, si elles sont adoptées, ne sont qu'une étape d'un long, voire très long processus institutionnel.



Articles traduits

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# Français

## Monrovia, l'une des dix villes les plus menacées par le changement climatique

Les menaces liées au changement climatique font peser un risque « extrême » aux deux tiers des villes africaines, en raison de la hausse de la population et d'infrastructures médiocres, selon un rapport publié mercredi 14 novembre par le cabinet de consultants Verisk Maplecroft.

L'« index de vulnérabilité au changement climatique 2018 » utilise une cinquantaine de données existantes, allant des modèles climatiques aux facteurs économiques, en passant par les projections démographiques. Selon lui, la capitale centrafricaine, Bangui, celle du Liberia, Monrovia, et Mbuji-Mayi, en République démocratique du Congo (RDC), sont les trois villes les plus à risque.

la population urbaine à cette allure va sans aucun doute intensifier le profil de risque déjà alarmant de la ville », selon les auteurs, qui pointent les problèmes auxquels font déjà face les mégapoles africaines, comme le manque d'accès à l'eau potable ou l'habitat.

En France, Rouen et Rennes préservées

L'ONU estime que 86 des 100 villes mondiales à la croissance démographique la plus importante sont en Afrique et met en garde contre la perte de croissance économique du continent liée au réchauffement de la planète. « Nous ne disons pas de ne pas investir dans ces lieux », a assuré à l'AFP Richard Hewston, analyste chez Verisk Maplecroft, invitant les investisseurs à y



Le rapport « évalue la capacité à résister aux chocs climatiques, et c'est cela qui fait que les villes africaines sont plus à risque que le reste du monde », a commenté Niall Smith, analyste chez Verisk Maplecroft.

Huit villes africaines figurent dans les dix les plus à risque, dont Kinshasa, où les 13,2 millions d'habitants sont déjà régulièrement victimes d'inondations. Et avec la hausse de la population, estimée à 26,7 millions d'ici à 2035, les perturbations liées aux événements météo risquent d'augmenter. « La hausse de

aller « avec les yeux ouverts ».

Certaines des villes les plus peuplées de la planète, comme New Delhi, Bombay, Mexico et Karachi, ont un « risque élevé » de voir le changement climatique infliger des dommages à leurs économies et leurs populations, indique également le rapport. A l'opposé, les villes britanniques de Glasgow, Belfast et Edimbourg sont les trois les moins à risque. Parmi les dix autres villes les mieux classées se trouvent également Rouen et Rennes, en France, ou Hanovre, en Allemagne.

## COMMENTAIRE

Par Robert Dugger

## La Justice américaine, de l'émancipation des esclaves au réchauffement climatique

WASHINGTON - En 2015, 21 jeunes gens âgés de 11 à 22 ans ont porté plainte contre le gouvernement américain pour n'avoir pas limité les effets du réchauffement climatique ; c'est l'affaire Juliana v. United States. Soulignant que du fait de leur âge, ils sont appelés à subir plus longtemps que la moyenne de la population les effets du réchauffement climatique, les plaignants estiment que la passivité du gouvernement face à ce risque viole leur droit constitutionnel à une égale protection.

Pour le philosophe Peter Singer, cette affaire constitue un tournant historique, car elle touche le droit des enfants et des futurs citoyens américains à vivre dans un environnement sain. Mais elle ne concerne pas seulement l'environnement, plus largement, elle sera lourde de conséquences pour la justice intergénérationnelle.

Considérons la question de la dette publique. Il y a déjà eu des objections morales au fait qu'une génération transmette à la suivante une dette excessive, ce qui limite ses possibilités pour fonder une famille, éduquer ses enfants et créer des richesses. Le déficit du gouvernement fédéral américain augmentant d'environ 1000 milliards de dollars par an, c'est un problème à régler de toute urgence.

Lorsqu'elle jugera l'affaire Juliana v. United States, la Cour suprême sera confrontée à l'absence de mention explicite du droit des futurs citoyens dans la Constitution américaine. C'est la première à avoir incarné les principes des Lumières (l'égalité des citoyens devant la loi et les droits inaliénables qui leurs sont attachés), mais elle n'applique ces principes qu'aux Américains existants. Les futurs citoyens n'auront des droits qu'une fois nés, ce qui à première vue peut sembler raisonnable.

Or cette absence de droits reconnus aux futures générations permet aux puissants d'aujourd'hui de détourner à leur propre profit les ressources de ceux qui ne sont pas encore nés. Cela se traduit par la dégradation de l'environnement, une dette publique insoutenable, des générations sous-éduquées et des citoyens inemployables qui auront des difficultés à éduquer leurs enfants pour qu'ils deviennent des adultes productifs.

Un pays moderne doit reconnaître ce risque dans sa Constitution. Ainsi l'article 20a de la Constitution allemande (Grundgesetz ou Loi fondamentale) stipule que, "attentif également quant à sa responsabilité à l'égard des futures générations, l'Etat doit protéger les fondations de la vie et des animaux par sa législation, et en accord avec le droit, par des actions du pouvoir exécutif ou judiciaire..."

En démontrant que les citoyens les plus jeunes sont davantage affectés que les citoyens plus âgés par une politique fiscale et environnementale à court terme, l'affaire Juliana pourrait être le premier pas vers cette reconnaissance par les USA. Ce serait un petit pas, mais il pourrait avoir des conséquences importantes sur le plan politique, notamment dans une période où le président américain et son gouvernement mènent une politique qui conduit à déposséder la prochaine génération. C'est sans doute pour cela qu'ils font tout ce qu'ils peuvent pour que ces poursuites n'aboutissent pas.

En avril dernier, le tribunal fédéral de district de l'Oregon avait décidé qu'il était compétent en l'affaire et que le procès débiterait le 29 octobre.

Mais fin septembre, un juge de la Cour suprême, John Roberts, a décidé de suspendre temporairement la procédure pour examiner une requête en classement du ministère de la Justice - une décision très inhabituelle.

Heureusement la Cour suprême a rejeté cette requête. Mais le gouvernement de Trump ne renonce pas ; il vient de faire appel de cette décision auprès du tribunal fédéral de district de l'Oregon et de la Cour d'appel fédérale du "neuvième circuit" à San Francisco.

Selon les avocats du gouvernement, l'affaire ne relève pas de la Justice et par conséquent les tribunaux ne sont pas compétents dans le dossier Juliana. Et dans le cas contraire, toujours selon eux, les plaignants n'ont de toute façon pas qualité pour poursuivre. Mais ce n'est manifestement pas l'avis des tribunaux fédéraux qui ont tous décidé - du niveau du district à celui de la Cour suprême - qu'il doit y avoir procès.

On peut faire un parallèle entre ce qui se passe actuellement et la décision indigne de la Cour suprême dans l'affaire Dred Scott v. Sandford. Un esclave, Dred Scott, avait revendiqué la liberté pour lui et sa famille devant les tribunaux en 1857 - 8 ans avant que l'esclavage ne soit aboli par le 13<sup>e</sup> amendement de la Constitution. Un juge de la Cour suprême, Roger B. Taney, avait alors stipulé que les esclaves et leurs descendants sont "des êtres d'un ordre inférieur" qui "n'ont aucun droit qu'un homme blanc soit tenu de respecter". Du fait de cette décision, Scott n'avait pas qualité pour poursuivre devant un tribunal fédéral.

Le droit de poursuivre de Kelsey Juliana, la plaignante la plus connue dans l'affaire du réchauffement climatique, sera-t-il aussi dénié ? Les observations de la Cour suprême dans cette affaire ne sont pas sans rappeler celles de Scott.

La décision de la Cour suprême allait à l'encontre de principes moraux fondamentaux et s'opposait à la montée en puissance économique et culturelle du Nord, ainsi qu'à la direction de l'Histoire. La situation est analogue aujourd'hui : le gouvernement de Trump prétend que l'affaire Juliana ne relève pas de la Justice, et une législation vétuste ne reconnaît pas encore le droit des futurs Américains à vivre dans un environnement sain et à ne pas avoir à supporter un endettement excessif dû aux générations précédentes.

Ceux qui aimeraient bloquer le dossier Juliana (notamment l'influent secteur de l'énergie) espèrent cyniquement qu'ils parviendront à ce que l'affaire soit classée et les droits intergénérationnels laissés à un Congrès très divisé, soumis aux intérêts des plus puissants. Comme les partisans de l'esclavage dans les années 1850, ils se raccrochent au passé et espèrent bénéficier encore pendant quelques mois ou années des lacunes de la Constitution. Peut-être même y parviendront-ils pendant plus longtemps, les USA ont aboli l'esclavage avec plus de 30 ans de retard par rapport au Royaume-Uni - un retard qui a aggravé leur situation au milieu du 19<sup>e</sup> siècle.

Mais l'évolution de la société est claire, elle s'oppose de plus en plus à l'idée d'autoriser une génération à exploiter les suivantes. En ce sens, quelque soit la décision qui sera prise dans l'affaire Juliana v. United States, ce n'est qu'un début.

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## ARTICLE

## March For War And Economic Crimes Court In Liberia

By Dagbayonoh Kiah Nyanfore LI

A group of civil society organizations in Liberia staged a peaceful citywide demonstration in Monrovia on Monday, November 12, 2018, calling on the Weah government to establish a war and economic crime court in Liberia. The court is to bring to justice the alleged perpetrators of the Liberian civil war, which killed about 250,000 people over 25 years ago.

I am in Liberia and reporting on the march. Unlike my coverage of the Liberian presidential election last year, this occasion was different in that it was not about a campaign for election rather about a march for human justice. The event was talked about on public radio during the weekend with discussions of the arrival and meetings in Liberia of Ambassador Stephen Rapps, former US persecutor for the war crime court in Sierra Leone involving Liberian Former President Charles Taylor. Ambassador Rapps and Ms. Massa Washington, former commissioner of the TRC (Truth and Reconciliation Commission) who also arrived in Liberia, were interviewed on air by several radio talk shows regarding possible war and economic crime court in Liberia. Their interviews and meetings were in some ways preparations for the march.

clarity on the issue. He was said to have met with members of the Liberian legislature and also spoke at a conference last Saturday.

Ambassador Uchenna Emelonye, Country Representative of the UN High Commissioner for Human Rights, also attended and spoke at the conference. Both ambassadors called for the need for justice for victims of the civil war. Madame Amina Mohammed, Deputy UN Secretary-General, added her voice to the matter; "It is also critical to implement the recommendations of the TRC", she said diplomatically telling the Weah government to comply.

The key speaker of the march was Emmanuel Savice, a Liberian national and justice advocate, who came from Canada to attend the protest. He told the crowd that he did not come to Liberia to campaign for position for representative, senator, or for president but to march with the demonstrators for justice in Liberia. He criticized those who use their skills and education only to get government jobs and abandoned the cause for the poor. He talked about the needs for war and economic crime court in Liberia. He called on the CDC led government to

At the protest was also James Gibson, a student at Tubman University. He believes that Weah seems to support the establishment of the court, but "the president is taking his own time", he added.

At the campus of the university, which is a walking distance from the UN Mission, Savice told his story:

"Let me tell you my story, he cried to the audience. Everyone has a story, and I want you to hear mine". "Do you see that lady there", he pointed at a woman standing. "Mom, please put your hand up", he requested. The lady did.

"She is my mother; I am the oldest of six children", he informed. The crowd clapped and cheered.

Savice narrated that during the civil war in Monrovia, his mother, his four siblings, he, and others were made to form a line at the Stockton Creek. General Prince Johnson of the rebel forces ordered Krahn people to come out. Three persons were pulled out, their hands were tied from the back and they were dumped into the creek.

"I watched them died. We could do nothing. Whether they were Krahn or not, there were human beings and did not have to die that way".

He further stated that his mother was separated from her children and for months they did not know her whereabouts.

"My four siblings were starved to death. I have not forgotten the incident", he said emotionally. He pointed out that Liberians have been denied justice because they are poor. He advised the group not to ally with politicians.

"My wife and I give and commit 30% of our income for justice", he stated. The crowd clapped and cheered again.

Savice operates an advocacy talk show in Canada and vowed to return to Liberia in April next year in the quest for justice. He also administers the "Liberian Trust Communications Chatroom" on the internet.

The march ended, and I took a car to central Monrovia. A young lady in her early 20s, maybe a college student, sat next to me in the back seat commented on the protest.

"Why are those marchers making noise for? They elected the warlords into power and now they are calling for war crime court. Let them stop noise in our ears, let them move from here man", she added speaking in Liberian colloquialism. A man who also sat in the back agreed. The driver joined in too in support of the lady. I did not say anything; I did not even turn to look at her. I just listened.

"Why would not they tell us the benefits or non-benefits of a war crime court"? She continued and asked.

As I did last year, I tried to avoid critical discussion with other passengers even if the subject is of interest. You would not achieve anything if you differ, that is what I have observed here. If you are a Liberian and speak with an American accent, some will think that you came to Liberia to seek or take their government jobs and will view you with resentment. That is what I noticed last year during the administration of former President Sirleaf.

The driver stopped for gasoline at a station, getting only one gallon either for \$580 LD (Liberian dollars) regular gas or \$620 LD for diesel. That is an increase of \$40LD from last month. The rate now is \$157 LD to \$1 US. Prices of other commodities have gone up.

"They should be talking about the price increase, instead of demonstrating"; the lady again talked about the marchers.

On the other hand, Liberia is not an oil producing country and oil price is determined by the world market. Big producing oil countries sometimes reduce production to create scarcity to increase the price, a factor of supply and demand. Local oil companies, most of them foreign businesses, retail the oil to the Liberian consumers. Consequently, the Liberian government has no control.

TO BE CONT'D



I just could not miss the event that morning; and in the process of getting to town, I did not have my regular Monday workout, which has been a ritual even when I travel. I took a public transportation to town, where the group gathered at the Centennial Pavilion. The traffic was fine, the streets were not jammed. My taxi radio was talking about the demonstration asking the listeners their opinions on the march. Most callers supported establishing the court, but others questioned its importance, considering the urgency for social and economic improvement of the country.

From the Pavilion, the demonstration continued to the US Embassy, to the European Union, to the UN Mission and finally to the campus of the University of Liberia, where the marchers climaxed the occasion. The crowd was not too large, yet the message was important and received international attention. I listened as I wrote down some key points.

But Rapps and Washington did not attend the march. I think for good reason; maybe as professionals, they did not want to politicize their purpose in Liberia. The ambassador has stated publically that he was in Liberia to consult and make

implement the TRC recommendations. "My two brothers and one sister were killed during the war. We want justice. We will not rest until something is done by the Liberian government". He also called on the international community to see to it that justice is administered in Liberia through, for instance, the establishment of war and economic crime court for justice.

"Weah could become a one-term president" if he does not implement justice in Liberia, Savice warned. At each embassy, the group submitted the petition of their cause. Some of the demonstrators carried pictures of their love ones killed during the war. Some protesters were students.

Makerous Massaquoi, a student at the University of Liberia who participated in the demonstration believes that Weah does not really want a war crime court in Liberia. "He is playing games with the issue", Massaquoi said. Makerous is a member of SUP, Student Unification Party at the university. SUP staged a demonstration last month for the missing \$16 billion Liberian dollars. The group is alleged to be funded by opposition political parties. He denied that when asked.

# EPS agent shoots soldier

An early morning scuffle between an officer of the Executive Protection Services or EPS and officers of the Armed Forces of Liberia nearly turned fatal, when the EPS officer opened fire shooting the AFL officer in the stomach and wounding several others.

The incident occurred barely a day after an election campaign violence left several persons severely injured over the weekend in Gardnerville District 13.

Eye witnesses say it all started when the AFL officers who had been assigned at the stadium hours before the match between Liberia and Zimbabwe on Sunday could kick off try to prevent an EPS officer from entering the stadium with his pistol.

The eye witnesses said the AFL soldier, apparently the commander on the scene went ahead and disarmed the EPS officer something which did not go down well with him and that prompted him to reach out for his long ranch rifle



joined by his colleagues and open fired at the AFL officer hitting him in the stomach and wounding several others.

Other eye witness accounts said the EPS officer was part of an advance team deployed ahead of President George Weah's arrival at the stadium.

A statement issued by the

government confirmed that early hour incident and also confirmed that one army officer and five other persons wounded in the incident are being treated.

The government said six of the EPS agents involved in the scuffle with the soldiers were disarmed and placed under

investigation regarding the incident.

The Ministry says the wounded officer of the Armed Forces of Liberia (AFL) is being treated at the government - run John F. Kennedy Medical Center in Sinkor,

"The incident resulted into an AFL soldier being shot and 5 others sustaining injuries. An EPS agent was also injured. The shot AFL soldier is currently receiving treatment at the John F. Kennedy hospital," the government says in a statement issued Sunday.

It explains that the fracas occurred in the morning hours of Sunday, 18 November ahead of a football match between the Liberian national team, the Lone Star and the Zimbabwean national team in an African Cup of Nations qualifier.

The statement, which was authorized by Information Minister Eugene Nagbe, said the national security apparatus was able to put the situation under control and had no effect on the game at the SKD.

"Such an incident is totally unwarranted and the

government wishes to assure the general public that those culpable will bear the full weight of the law," the statement adds.

The government on Sunday encouraged all to go about their normal activities, including those who previously planned to be at the SKD to cheer the national team.

In another development, government says the Liberia National Police (LNP) is investigating an electoral violence incident which caused some injuries in Montserrado District 13 on Saturday, 17 November and will shortly issue a preliminary statement.

In the incident at District #13, it is reported that supporters of the ruling Coalition for Democratic Change (CDC) allegedly killed an opposition supporter of former ruling Unity Party (UP) representative candidate Cornelia Kruah - Togba and wounded several others in campaign violence.

## Police confirm

By Winston W. Parley

Police authorities in Monrovia have confirmed that several persons were injured on Saturday November 17, during a violent clash between partisans of the ruling Coalition for Democratic Change (CDC) led by its youth league chair and Monrovia City Mayor Jefferson Kojee and supporters of opposition Unity Party (UP) Montserrado representative candidate Mrs. Cornelia Kruah - Togba.

Initial reports said at least one person was killed when Mr. Kojee and his group wearing machetes along with fire arms, fired several shots during the process.

But police say no one got kill and that the young lady in question who was supposedly killed is among others receiving treatment at the government run John F. Kennedy Medical Center.

The violent clash between the two parties comes just days to the representative by-election in District #13 outside Monrovia, a seat once occupied by the ruling party, but left vacant after the incumbent Rep. Saah Joseph won the Montserrado Senatorial by-election in July of this year.

In an earlier live Facebook post on Saturday, 17 November, Mrs. Kruah - Togba narrated how she was informed about the alleged death of one of her female supporters that was stabbed in the stomach by men allegedly

led by Kojee "all because she wants to see democracy works."

"Jefferson Kojee and his thugs came on our supporters because we were practicing our constitutional right to assemble and to affiliate politically and they have killed someone's child," Cornelia alleges in tears.

Cornelia particularly expresses regret that President George Manneh Weah was still campaigning for his candidate John J. Weah in the district, in spite of allegedly hearing that his party had killed a citizen.

"After he has heard that his people came after us and they [have] killed someone, he is currently on the Iron Factory Field, giving support to John Weah," Cornelia explains further.

Cornelia's disappointment is that the opposition was conducting its political rally at the Nigeria Shop Field in New Georgia, very far from Iron Factory where the ruling CDC was having its rally for its district candidate.

In spite of all of these claims, she alarms that the CDC government was at Iron Factory Field, led by President Weah who was allegedly lifting the hands of candidate John J. Weah.

For her part, in her Facebook post, LP political leader Sen. Nyonblee Kangar Lawrence explains that while at the campaign rally of Cornelia on Saturday, 17 November in District 13

Montserrado County, she "watched Jefferson Kojee the City Mayor of Monrovia and a group of uniformed men walking through the crowd with cutlasses, and severely wounded many people."

Sen. Lawrence explains that they also destroyed campaign equipment and disrupted the entire rally.

"I was rescued by community dwellers, and placed in a home for two hours, with all the iron bars locked," the Grand Bassa County Senator narrates her ordeal.

She says her vehicle and that of her team was escorted by men of the community on a back road to Diggsville to get away.

"This was a very shocking and ugly scene! We condemn this act of brutality, and will fight for justice to be done," Sen. Lawrence adds.

She notes her prayers for all those who got wounded, wishing them all speedy recovery.

"And My appreciation to the community dwellers who rescued me and others today. To God be the Glory! So many lives depend on what we do. - Will return to the community on Monday," she concludes.

But in a Facebook post, CDC Chair Mulbah Morlu says the UP candidate lies, challenging her to show proof of the alleged killing and those wounded.

"No decent woman lies like UP's Cornelia Kruah-Togbah! Hope she's ready to show proof of her lying statements,

## Court's Degree of Change of Name

Whereas, Petitioner herein named in the above entitled cause of action, having file a petition with affidavit attached thereto, requesting an order from this Honorable Court to have the name of Petitioner's name to formally and legally change from "Samuel F. Taweh" to "J. Momo Bai".S

Whereas, after the court having thoroughly examined petitioner's petition and this court haven been satisfied of the truthfulness of the allegation set forth.

NOW THEREFORE, IT IS HEREBY DIRECTED, ORDERED AND DECREED AS FOLLOWS TO WIT:

That petitioner's petition is hereby ordered granted beginning this 9th day of November A.D. 2018 and the petitioner's name is now formally and legally changed from "Samuel F. Taweh" to "J. Momo Bai".

Samuel F. Taweh / Petitioner



## #Stop prioritizing foreign businesses over Liberian businesses!#

alleging a girl was killed & people wounded with cutlasses! 24 hrs should be enough or we drag you in court! What a liar!" says Morlu.

He adds, "I expect the LNP to invite Madam Cornelia Kruah-Togbah to give details of her false claims on video. Where's the 'Dead Girl's body or name? Where's proof of CDCeans with cutlasses chasing people? She better start finding lawyers..."

The CDC is battling against opposition candidates to secure the district seat, after

its representative Saah Joseph was elected to the Liberian Senate this years.

President Weah and a number of CDC party officials including Morlu, Rep. Solomon George and others were said to have attended the campaign rally in District #13.

The Ministry of Information says in a statement issued Sunday, 18 November that the Liberia National Police (LNP) is looking into report of electoral violence that caused several injuries in the district.

## Lone Star keep hope alive



Zimbabwe's hopes of wrapping up early qualification for the 2019 Africa Cup of Nations were dashed on Sunday when they suffered a 1-0 defeat in Monrovia.

The result sees the Warriors remain at the top of Group G on eight points, but they now have the Lone Stars just one point behind them in second place. DR Congo and Congo Brazzaville have six and five points respectively following

their draw earlier in the day.

All four teams still have a shot at qualifying for the 2019 AFCON, with the group set to be decided with the final round of matches in March next year.

After a quiet opening, Zimbabwe created the first clear chance of the match in the 20th minute. The overlapping Ronald Pfumbidzai pulled a great ball back for Tino Kadewere, who struck his effort wide of the

mark.

Liberia tested out Zimbabwe goalkeeper Edmore Sibanda in the 34th minute, with Anthony Laffor seeing his shot on target turned away by the gloves-man, but the flag was up for offside anyway.

Zimbabwe looked the more fluid and threatening team, and just a couple of minutes before the break they should have claimed the lead. A fine move ended with Kadewere turning a defender before firing over the top, when a simple pass would have presented a teammate with a near tap-in.

The cagey nature of the game continued well into the second half, with chances few and far between. Zimbabwe saw Karuru miss out on what would have been a great opportunity, as he was unable to control a relatively simple ball while unmarked in the middle of the box - he was soon withdrawn in favour of Talent Chawapiwa.

In the 70th minute Laffor nearly capitalised on a poor

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## Bolt reveals deadline to join football club

Usain Bolt could be ready to abandon his professional football dream if he doesn't find a club before the end of the month.

The legendary Jamaican sprinter, 32, has spent a trial period with Australian A-League outfit Central Coast Mariners.

The Manchester United-supporting wannabe striker could even win a call-up to

the Jamaica national side if he proves himself.

However, Bolt admits time is running out on his quest to find a permanent club despite having a 'few offers' on the table.

"I've got a lot of offers from a lot of other clubs out there," Bolt told Omnisport.

"We'll make a decision before the end of November if I'm going to go to another club or call it actually quits."

Bolt is understood to have turned down a two-year deal from Maltese champions FC Valetta.

And it was reported that his wage demands were the reason behind his stint with Gold Coast Mariners coming to an abrupt end, despite impressing on trial where he scored twice in one game.

Bolt has trained with Borussia Dortmund through his partnership with German



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