

---

## Respect for and Protection of Human Rights: An Imperative for Peace, Security and Development in Liberia

Uchenna Emelonye<sup>1</sup>, Francis Igirogu<sup>2</sup> and Ernestine Ebai<sup>3</sup>

---

**ABSTRACT:** *This Article analyses the role human rights culture plays in ensuring peaceful, secure and developed society, using Liberia as a case study. While it posits that human rights is subject to contestable philosophical underpinnings that there is seldom a universal consensus on its meaning, it adopts the United Nations definition which combines the perspectives of the natural law and legal positivism to form what it terms 'inclusive legal positivism'. It accordingly defines human rights as those global standards of morality that are inherent in human beings by virtue of their humanity and protected by national governments and comity of nations through national laws and treaties. It argues that respecting the dignity of the human person is a recipe for peace, which in turn will enhance national security and sustainable development in the country. Example is when the State alleviates poverty which creates inequality and non-discriminatory tendencies, human rights is advanced, peaceful society is enthroned which can lead to development. It concedes that Liberia has adequate normative framework to respect human rights, but analysis of the three human rights obligations of Government namely – to respect, to protect and to fulfil human rights indicates that non-state actors like Liberia National Bar Association (LNBA) have crucial role to play in translating the dry letters of human rights in the constitution and other regional and international treaties into veritable tools that will improve the lives and dignity of Liberians and residents alike including the women folks. It concludes that respect for human rights is indispensable for sustainable Peace, National Security and Development in any given society and calls on Liberian government to put in place structures and systems that are responsive in respecting and protecting human rights.*

**KEYWORDS:** protection, human rights, imperative, peace, security, development liberia

---

---

<sup>1</sup> Country Representative, United Nations Office of the High Commissioner for Human Rights - LIBERIA; Visiting Fellow, School of Law, University of Derby United Kingdom; LL.D - University of Helsinki Finland; LL.M - Central European University Budapest Hungary; LL.M - Abia State University Nigeria; BL - Barrister and Solicitor of the Supreme Court of Nigeria; LL.B - Abia State University Nigeria; ([emelonye@gmail.com](mailto:emelonye@gmail.com)) This paper is written in a personal capacity and does not represent the views of the United Nations. It was presented at the 2018 Annual National Convention of the Liberian National Bar Association (LNBA)

<sup>2</sup> Human Rights Officer, United Nations Office of the High Commissioner for Human Rights - LIBERIA; LL.M – Harvard University; MA- University of Roehampton; BL - Barrister and Solicitor of the Supreme Court of Nigeria; LL.B - Imo State University Nigeria. This paper is written in a personal capacity and does not represent the views of the United Nations

<sup>3</sup> Human Rights Officer, United Nations Office of the High Commissioner for Human Rights - LIBERIA; Barrister and Solicitor of the Supreme Court of Cameroon; Maitrise en Droit (Post Graduate Diploma in Business Law)- University of Yaounde II, SOA Cameroon; LL.B- University of Buea Cameroon. This paper is written in a personal capacity and does not represent the views of the United Nations

## INTRODUCTION

Human rights are amongst those few attributes we share by virtue of our humanity and not predicated on our economic status, nationality, place of origin, skin color, political affiliation, religion, sexual orientation, etc. They are entitlements we have because we are human beings and essentially represent minimum standards necessary for humanity to live in dignity, security, peace and justice .

There is no doubt that human rights is subject to contestable philosophical underpinnings to the extent that there is seldom a universal consensus on its philosophical foundation. Two major conflicting philosophies are the natural law and legal positivism. For natural law theorist, human rights must be propelled by morality and as such, “no human laws are of any validity, if contrary to the law of nature”<sup>4</sup>. On the other hand, the central tenet of legal positivism is that it entrusts upon the state the mandate to institutionalize what is considered ‘right’ or ‘wrong’ and establish a legal regime separate from the moral foundation of the society.<sup>5</sup>

The conceptual appreciation of human rights for the United Nations combines the complementary and mutually reinforcing strengths of the natural law and legal positivism to form what I may call ‘inclusive legal positivism’. Consequently, this presentation will define human rights as those broadly recognized fundamental global standards of morality that inhere in human beings by virtue of their humanity and normatively instituted by national governments and comity of nations.

Human Rights are universal legal guarantees protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity. All human rights are indivisible which means that whether civil and political, economic social and cultural, they are all inherent to the dignity of every human person. Consequently, all human rights are of equal status as rights, and cannot be ranked in order of priority. No right is said to be important than the other. They are also interdependent and interrelated, which means that the realization of one right depends, wholly or in part, upon the realization of others. A glaring example could be a right to life interconnecting to the right to education, food and highest attainable standard of health. Denny Roy in his analysis of security and human rights nexus in North Korea opines that “Human Rights originally derived from the struggle of European peoples to protect themselves against

---

<sup>4</sup> William Blackstone, *Commentaries on the Laws of England*, (Garland Pub 1978); See also Dennis R Nolan, ‘Sir William Blackstone and the New American Republic: A Study of Intellectual Impact’ (1976) 51 New York University Law Review 731

<sup>5</sup> H L A Hart, *The Concept of Law* (Oxford University Press 2012) 18; See also H L A Hart, *Essays on Jurisprudence and Philosophy* (Oxford University Press 1983); Leslie Green, ‘Positivism and the Inseparability of Law and Morales’ (2008) 83 New York University Law Review 1035

abuses of power by the state, the concept of human rights usually employed by Western commentators is relatively narrow, referring to guarantees against the violation of civil liberties (freedoms of peaceful dissent and of religion; freedom from torture, and from extra-legal execution, incarceration, and deprivation of property, etc.). Many commentators in Asia and other developing countries, however, challenge this conception, arguing that human rights should also include social and economic rights such as guaranteed food, clothing, shelter, and medical care, and freedom from discrimination on the basis of ethnicity, religion or gender. While authoritarian governments have often used this expansion of the list of recognized human rights to justify abuses of their citizens' political rights, the principle”<sup>6</sup>

The essence of our existence as human beings is predicated on the full enjoyment of our rights. Our lives are defined by the rights we ought to enjoy. Most often than not, Customs and traditional practices, policies instituted by institutions, the constitutions and laws act as deterrence for the respect and protection of human rights. Human rights advocates and those that stand for justice for all, have the responsibility to identify the existing gap in our laws, policies and traditional practices and make recommendation for a change. When human rights are not respected, there is bound to be chaos and violence, which could even lead to civil war and definitely an adverse effect. Any society that fails to address issues of discrimination and which does not promotes equality attracts conflict and insecurity. It should be noted that, one of the root causes of the Liberian civil war is attributed to recurrent human rights violations including discrimination and long standing inequalities that plunged Liberia into a stalemate for several years, which has remained unaddressed till date.

### **What is peace, national security and development?**

Peace, for our present purpose and according to oxford dictionary connotes freedom from disturbance, tranquility or a state or period in which there is no war or a war has ended.<sup>7</sup> Politically, peace entails political order wherein there is institutionalization of political structures in a way that makes justice possible<sup>8</sup>. Similarly, national security entails the safety of a nation against threats such as terrorism, war or espionage.<sup>9</sup> When a nation is secured, it presupposes that it is in charge and capable of protecting its citizens from both internal and external aggressions. Accordingly, national security must include the capacity to provide the citizens with social, economic and political conditions conducive to happiness and relative prosperity. Thus, tranquility and well-being of a society are necessary components of national security. According to Professor Al-Mashal, national security should address “the physical, social and psychological quality of life of a society and its members both in domestic setting and within the larger regional and global

<sup>6</sup> THE SECURITY-HUMAN RIGHTS NEXUS IN NORTH KOREA Author(s): DENNY ROY Source: The Journal of East Asian Affairs , Winter/Spring 1997, Vol. 11, No. 1 (Winter/Spring 1997), pp. 1-19 Published by: Institute for National Security Strategy Stable URL: <http://www.jstor.com/stable/23255750> Pg 2 &3

<sup>7</sup> Available at <https://en.oxforddictionaries.com/definition/peace>

<sup>8</sup> Otiye Igbuzor (2011) Peace and security education: A critical factor for sustainable peace and national development. *International Journal of Peace and Development Studies* Vol. 2(1), pp. 2

<sup>9</sup> Available at [https://en.oxforddictionaries.com/definition/national\\_security](https://en.oxforddictionaries.com/definition/national_security)

---

system.”<sup>10</sup> Conversely, development refers to a specified state of growth or advancement that often relates to the economic well-being and standard of living of the citizenry of that state and only if people are empowered to determine their genuine needs will development occur.<sup>11</sup> This, they contend, simultaneously promotes sustainable democracy and well-being.<sup>12</sup> The correlation between Peace, National Security and Development emanates from alleviating poverty in the society that could arise from inequality and discriminative tendencies, respecting women’s right and creating a sustainable food system.<sup>13</sup> The nexus between Peace, National Security and Development is to the effect that, they are in concomitant with one another. They do not operate in isolation, as the non-existence of one affects the other. Peace, National Security and Development are virtues and standards that every true democracy must enjoy with Liberia not being an exception. The operationalization of these standards in a nation suggests the existence of optimal respect for the International Human Rights standards.

The susceptibility and vulnerability of the people of Liberia have paved the way for human rights violation and Political violence. For Liberia to recover better, leaving no one behind, there must be an enabling environment for Peace, National Security and Development to thrive. This could only be achieved when the government of Liberia muster the courage and cultivate the political will to respect and protect human rights and the commitment of LNBA and human rights defenders to advocate for the respect for and protection of human rights.

### **What is the adequacy of the legal frameworks for the protection of human rights in Liberia?**

The fundamental national framework for the protection of human rights in Liberia is the 1986 Constitution. It enumerated in its Chapter III (Articles 11-26) the list of human rights that Liberians and residents in Liberia are entitled to and which cannot be abrogated except in accordance with the law. These rights among others include – Right to Life; Freedom from Slavery and Forced Labor; Right to Free Press; Freedom of Expression; Freedom of Movement; Right to own Property; Freedom from Torture, Inhuman and Degrading Treatment; Right to Privacy; Freedom of Thought, Conscience and Religion; Right to Counsel of ones’ choice etc. The Accra Peace Agreement commits the government to Liberia to take the necessary disposition to respect the basic civil and political rights enunciated in the Declaration and Principles on Human Rights adopted by the United Nations, African Union, and ECOWAS, in particular, the Universal

---

<sup>10</sup>PROFESSOR EHI OSHIO DEAN, FACULTY OF LAW UNIVERSITY OF BENIN BENIN CITY (2009) THE CHALLENGE OF NATIONAL SECURITY AND DEVELOPMENT. *BEING A PAPER DELIVERED AT THE DELTA STATE CHRISTIAN PROFESSIONAL LEAGUE SEMINAR ON CRISIS MANAGEMENT AND NATION BUILDING AT GRAND HOTEL, ASABA ON THURSDAY, 19TH NOVEMBER, 2009*

<sup>11</sup> Giles Mohan and Jeremy Holland (2001) Human Rights & Development in Africa: Moral Intrusion or Empowering Opportunity? *Review of African Political Economy No.88:177-196 C ROAPE Publications Ltd., 2001 ISSN 0305-6244. Published by: Taylor & Francis, Ltd.*

<sup>12</sup> Available at <https://en.oxforddictionaries.com/definition/development>

<sup>13</sup> Global Peace and Development Organization website

---

Declaration of Human Rights and the African Charter on Human and People's Rights, and as contained in the Laws of Liberia, shall be fully guaranteed and respected within Liberia.<sup>14</sup>

The human rights of Liberians further extend to those legal guarantees contained in the various regional and international treaties, which Liberia has subscribed to. At the regional level, Liberia ratified the African Charter on Human and Peoples Rights in August 1982.<sup>15</sup> As the contemporary normative architecture for Africa specific human rights norms, the African Charter expanded the already existing national normative framework for human rights. Liberia also ratified the Economic Community of West African States (ECOWAS) Treaty in 1973.<sup>16</sup>

Both the African Charter and ECOWAS Treaty established regional and sub-regional courts to ensure the protection of human and peoples' rights in Africa in general and ECOWAS community in particular. While Liberia has not ratified the Africa Court protocol and not subject to the jurisdiction of the court, it is a member state of the 1975 ECOWAS Treaty mandating the Community Court of Justice (CCJ) to adjudicate disputes related to the interpretation and application of the Treaty.

Other international treaties subscribed by Liberia which are legally binding include International Covenant on Civil and Political Rights (ICCPR)<sup>17</sup>; 2<sup>nd</sup> Optional Protocol to the ICCPR aimed at abolition of death penalty;<sup>18</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR);<sup>19</sup> Convention on Rights of the Child (CRC);<sup>20</sup> CRC Optional Protocol against the Involvement of Children in Armed Conflict;<sup>21</sup> CRC Optional Protocol against the Sale of Children, Child Prostitution and Child Pornography;<sup>22</sup> Convention on the Elimination of all forms of Discrimination Against Women (CEDAW);<sup>23</sup> Convention Against Torture (CAT);<sup>24</sup> CAT Optional Protocol;<sup>25</sup> International Convention on the Elimination of all forms of Racial

---

<sup>14</sup>Peace Agreements Digital Collection. Liberia >> Comprehensive Peace Agreement, Posted by United States Institute of Peace ([www.usip.org](http://www.usip.org)) Library on: August 20 2003 Source Name: Text e-mailed from the U.S. Department of State, Washington, D.C. Date e-mailed: August 19 2003 .

<sup>15</sup> In 4<sup>th</sup> August 1982 see [www.achpr.org/instruments/achpr/ratification/](http://www.achpr.org/instruments/achpr/ratification/)

<sup>16</sup> Ratified 30<sup>th</sup> May 1975

<sup>17</sup> Acceded on 22<sup>nd</sup> September 2004

<sup>18</sup> Acceded on 16<sup>th</sup> September 2005

<sup>19</sup> Acceded on 22<sup>nd</sup> September 2004

<sup>20</sup> Acceded on 4<sup>th</sup> June 1993

<sup>21</sup> 22<sup>nd</sup> September 2004

<sup>22</sup> 22<sup>nd</sup> September 2004

<sup>23</sup> 17<sup>th</sup> July 1984

<sup>24</sup> 22<sup>nd</sup> September 2004

<sup>25</sup> 22<sup>nd</sup> September 2004

---

Discrimination (CERD);<sup>26</sup> Convention on the Rights of Persons with Disabilities<sup>27</sup> and other treaties and international conventions.

The Universal Declaration of Human Rights 1948, has served directly and indirectly as a model for many domestic constitutions, laws, regulations, and policies that protect fundamental human rights. These domestic manifestations include direct constitutional reference to the Universal Declaration or incorporation of its provisions; reflection of the substantive articles of the Universal Declaration in national legislation; and judicial interpretation of domestic laws<sup>28</sup>.

This has caused the Government of Liberia to respect the provisions of the UDHR and applying same to national laws and policies. It is important to note that, other International Human Rights Conventions had their momentum from UDHR as it serves as one of the pioneer International Human Rights Conventions owing to the Universality of its application aimed to protect and promote Human Rights.

Based on the bill of rights provisions in the Constitution of the Republic of Liberia and the regional and international human rights frameworks that it has subscribed to, it is trite to state that there are adequate normative infrastructure for the protection of human rights in Liberia.

**Conceding that the human rights normative frameworks are adequate, how effective are they in the protection of human rights in Liberia?**

It is clear from the foregoing that Liberia has adequately committed itself at the national, regional and international levels to respect, protect and fulfill human rights. The question is how effective are the various human rights mechanisms in practice? The Government of Liberia has specific obligations to respect, protect, and fulfil the rights recognized in the treaty and to take the necessary action towards their implementation. All human rights, to varying degrees, entail obligations of an immediate or progressive nature.

The first obligation on the government is to **respect** the human rights of all people within its jurisdiction. This obligation requires the government to abstain from any conduct or activity that violates human rights and ensure that human rights are fully respected in state policies, laws and actions, including those of public officials. The second obligation is to **protect** the human rights of all people without discrimination from violations by state and non-state actors, including

---

<sup>26</sup> 5<sup>th</sup> November 1976

<sup>27</sup> 26<sup>th</sup> July 2012, for more details on the ratification status of Liberia see [https://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=98&Lang=EN](https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=98&Lang=EN)

<sup>28</sup> [The status of the Universal Declaration of Human Rights in national and international law](#)

H Hannum - Ga. J. Int'l & Comp. L., 1995

individuals, groups, institutions and corporations. Obligation to protect is achieved primarily through the enactment of laws and the establishment of redress procedures, as well as through national mechanisms to monitor human rights violations.

The third obligation is to **fulfil** human rights by creating an enabling environment through all appropriate means, particularly through resource allocation. This obligation requires the Government of Liberia to take steps including legislative, administrative, or other measures in order to give effect to the rights recognized in the constitution and other regional and international treaties.

In general terms, the Government of Liberia bears the main obligation to respect and ensure the enjoyment of human rights guaranteed in the constitution and under international law. However, it is increasingly recognized that non-State actors, including corporations and organizations, may likewise have responsibilities to varying degrees under international human rights instruments. Due to the specific audience of this presentation, please permit me to categorically state that the LNBA has a stake in the protection of human rights in Liberia. As members of the learned profession, the Bar in Liberia have a crucial role to play in translating the dry letters of human rights in the constitution and other regional and international treaties into veritable tools for the life in dignity for Liberians and residents alike.

The existing International and regional human rights framework covers all the rights that everyone ought to enjoy as a human being. It behooves the government of Liberia as a state party to these Conventions to ensure that civilians and state authorities respect and protect the rights of persons to buttress their commitments to the Conventions.

It is said “The covenants and national constitutions or laws are meant to coexist. The covenants do not supersede any constitutions or laws that provide more protection to individuals. Where the covenants go beyond a domestic law in protecting a particular rights, the state concerned has the duty to adopt any additional legislative or other measures that may be necessary to give effect to the right recognized in the covenant”<sup>29</sup>

### **Role of LNBA in the protection of human rights**

Based on the mission statement of the LNBA which is to “promote access to justice, legal professional ethics and effective administration of justice” and bearing in mind the professional training and calling of its members, the LNBA is best suited to lead in the promotion and protection of human rights. There is no gainsaying the fact that part of the professional ethics of a legal practitioner is to be an astute vanguard for human rights promotion and protection and to ensure that the Liberian State fulfills its human rights obligations. Corroborating the importance of the legal profession in promoting and protecting human rights, the Liberian Supreme Court in *RE: ABRAHIM B. SILLAH* stated that:

---

<sup>29</sup> Regional Protection of Human Rights, Dinah L. Shelton & Paolo G. Carozza (Oxford University Press) P.g 7

*“The legal profession is one of the most profound professions. The way it operates, like the medical profession, for example, can determine the life or death of a citizenry. If it operates poorly, the nation and the people feel the repercussions. The slightest mistake a lawyer makes may determine if an accused lives or dies; or whether he loses or gains freedom; or if it is a civil matter, whether the plaintiff or defendant gains or loses his life’s savings or aspirations”<sup>30</sup>*

His Lordship, Justice Banks in this opinion, underscored the invaluable role of a lawyer in the dispensation of justice and in the discharge of his professional calling to his community. My learned colleagues, if lawyers are not in the forefront of promoting and protecting human rights, which other profession would? If lawyers do not stand up against human rights violations, they are wittingly or otherwise sitting down to foster a vacuum that may breed, perpetuate and reinforce human rights violations. It is a historical fact that many world dictators have had the unfortunate advantage of using powerful lawyers to perpetrate human rights violations, including drafting anti human rights legislation.

Distinguished colleagues, ladies and gentlemen, the victims of human rights violations and abuse in Liberia are most often the weakest and the most vulnerable members of the society. This class of persons may not even understand what their rights are and are least likely to fight for their respect if not represented by a lawyer. The actions or inactions of a lawyer, judge, prosecutor or public defender in the courtroom has a direct impact on whether human rights are protected or whether human rights violations are reinforced in the court rooms. Having been entrusted with this very important assignment of being the last bastion of hope for the oppressed as well as a vanguard for human rights protection, the LNBA should discharge this duty with unrivalled courage and integrity. From a business model perspective, it is not profitable for legal practitioners that victims of human rights violations refer that petition to God instead of to lawyers. What will naturally follow is a resort to self-help, people taking laws into their hands and lawlessness pervading the land that has led severally to mob violence and jungle justice thereby destabilizing the peace of the land leading to national insecurity, which affects development.

The role of the LNBA in the protection of human rights should not be confined only to conventional court representation. You all have tremendous roles to play even before the matter gets to court and when the matter is out of court. LNBA should be actively involved in mass enlightenment and mobilization to educate the people on their rights, how to respect others rights, what to do and who to approach when it is violated. This is in consonant with internationally

---

<sup>30</sup> IN RE: Sillah, Sr. et. al [2017] LRSC 9 (3 March 2017) available at <http://www.liberlii.org/lr/cases/LRSC/2017/9.html>



recognized principle that “professional associations of lawyers shall promote programs to inform the public about their rights and duties under the law”<sup>31</sup>.

The Bar should also ensure that lawyers have appropriate human rights education and training and be made aware of their role in the promotion and protection of human rights.<sup>32</sup> Consequently, the need for continuous legal education on human rights for the Bar, to enhance the capacities of its members in human rights protection whether in court out of court or for the legal draftsmen in ministries or Parliament, is highly recommended. Also, human rights education should be institutionalized in the Liberian Law School as a basis of instilling the necessary sensitivities early to would be lawyers.

Human rights education is essential to achieving sustainable peace in Liberia, because “human rights education promotes values, beliefs and attitudes that encourage all individuals to uphold their own rights and those of others”. It is essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance, peace, and development in Liberia. Through human rights education, citizens understand that they are all equal, regardless of their social class, caste or creed.. They learn to redirect their own aggressive impulses and use nonviolent means to resolve disputes.

Through a comprehensive human rights education, citizens are prone to making informed choices in life, to approach situations with critical and independent thought, take principled positions on issues, incline to democratic and civil actions, and develop moral and intellectual integrity that transcends personal interests and to empathize with other’s points of view. These lessons are surely as fundamental to life on earth as advanced calculus. The enjoyment of all human rights by all as envisaged in the Constitution of Liberia, and the achievement of the goals of the Pro Poor Agenda of the government, can only be realized when every lawyer becomes a human rights defender and every law school transforms into a zone of equity, equality and dignity. Legal education that is devoid of human rights could be toxic. You may recall that eight of the 15 people who planned the Holocaust atrocities in 1942 were doctorate degree holders, who shone academically, and yet were profoundly toxic to the world. Their type of education, which is bereft of human rights, and devoid of the smallest iota of ethics, compassion and understanding when it mattered most, is unfortunately in vogue in 2018.

Till date, Liberia has not ratified the Protocol establishing the African Court of Human and Peoples Rights, thereby denying Liberians access to that important regional human rights court. The LNBA

---

<sup>31</sup> Paragraph 4 of the Basic Principles on the Role of Lawyers Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba 27 August to 7 September 1990.

<sup>32</sup> Paragraph 9 of the Basic Principles on the Role of Lawyers Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba 27 August to 7 September 1990.

should be concerned about this development and rise to the occasion. It should be at the forefront of the campaign for Liberia to ratify the court's Protocol. It should also be concerned about the justiciability of many treaties and conventions ratified by Liberia that are not yet domesticated. It should participate or lead efforts to sensitize and advocate for the domestication of the relevant treaties by Parliament. This is important because, although human right is a universal concept, its enforcement is often a matter for domestic jurisdiction. The more human rights principles are entrenched within the domestic normative framework, the more it is easy to be enforced through judicial process.

The LBNA is also best suited to play a strategic role in promoting access to justice for Liberians. The sustainable way of ensuring access to justice for all is for the Bar to advocate for the establishment, and adequate funding of a clear-cut legal aid institution with clearly defined merit-based eligibility criteria. Until the establishment of an appropriate legal aid scheme, the Bar can also facilitate access to justice and prison decongestion through a coordinated legal aid program to assist poor and other disadvantaged inmates.<sup>33</sup> At this juncture, I commend LNBA's ongoing project on promoting access to justice through pro bono legal representation in collaboration with USAID and the Carter Center.

Another strategy for the promotion and protection of human rights by legal professionals that has proved invaluable and impactful overtime is 'Public Interest Litigation'. The involvement of the LNBA in strategic impact litigation cannot be overemphasized. The LNBA can use the temple of justice to achieve legal and social change without wielding a vote in Parliament. Public interest litigation is a powerful tool when used effectively and as part of a holistic program of advocacy for social change.<sup>34</sup> Examples of successes recorded with public interest litigation in Africa include- community land rights and torture compensation in Kenya; anti-slavery in Niger; housing rights and HIV treatment in South Africa; and environmental pollution in Nigeria. Public interest litigation can be of tremendous assistance in promoting and protection human rights in Liberia. In the quest to protect human rights in Liberia, the LNBA should promote pro-bono services and legal activism amongst its members. Since it is not unusual that most lawyers only accept briefs with sound financial gains, legal activism presupposes that, the demands of justice should be weightier on the mind of a lawyer than the expectation of pecuniary benefits.<sup>35</sup> Whereas profit is essential to the sustenance of a private law practice, human rights activism requires that private

---

<sup>33</sup> Paragraph 4 of the Basic Principles on the Role of Lawyers Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba 27 August to 7 September 1990.

<sup>34</sup> Public Interest Litigation; A Brief Guide for African Communities and Stakeholders, published by ACCORD, 2015 page 1.

<sup>35</sup> 'The Role of Lawyers in the Observance of Human Rights' by Dr. Olisa Agbakoba (SAN) presented at the 13<sup>th</sup> Advanced Course in Practice and Procedure, Nigerian Institute of Advanced Legal Studies, Akoka Lagos – May 30-June 23 1993, page 4.

legal practitioners should, in the interest of justice equally accept unremunerated briefs from indigent and vulnerable members of the society.

To encourage quality pro bono legal services, the contemporary practice in several jurisdictions is to devise non-monetary incentives to encourage members of the Bar that have distinguished themselves in rendering pro bono legal service. This may come in form of 'National Bar Award' presented to such persons publicly at conventions like this. It may also be in form of 'Certificate of Distinguished Service' signed and publicly presented to such persons by the LNBA. Comparative experiences indicate that such measures, though not monetary in nature, do encourage lawyers to voluntarily take up and professionally complete pro bono matters for poor members of the society.

Human rights cannot only be protected by lawyers in private practice. Those working with various ministries, especially the ministry of Justice and Parliament, have immense responsibility in formulating and implementing laws and policies for the government that resonate well with human rights protection. Evidently, the LNBA should utilize its vantage position as the highest moral authority of legal practitioners in Liberia, to elevate its voice in lieu of the voiceless and become the spokesperson and defender of the downtrodden.

The LNBA should not be seen to sit on the fence when important national issues affecting the rights, liberties and sustainable peace of Liberian are discussed and at the verge of free fall. It should be vocal to condemn any human rights violation, especially those affecting the poor and marginalized members of its citizenry. Doing otherwise by the LNBA is tantamount to conspiratorial silence in favor of the 'powerful' perpetrator and against the 'powerless' victim.

### **The intersection of peace, national security, development and human rights**

Peace, national security, development and human rights are concepts that are not only inestimable for humanity, but are interwoven and mutually reinforcing. It is trite that respecting the dignity of the human person in Liberia is a recipe for peace, which in turn will enhance national security and sustainable development in the country. According to the Universal Declaration of Human Rights, the '*...recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world*'<sup>36</sup>.

The complementary intersection of peace, national security, development and human rights was acknowledged by the former Secretary General of the United Nations, Kofi Anan, when he stated that- '*... we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights. Unless all these causes are advanced, none will succeed*'<sup>37</sup>

---

<sup>36</sup> Preamble of the Universal Declaration of Human Rights, 1948

<sup>37</sup> In Larger Freedoms; Towards Development, Security and Human Rights for All; Report of the Secretary General to the UNGA, Freedom from Want, Freedom from Fear, Freedom to

It follows that in order to have peace, security and development, Liberians should be at the center of all government policies and programs. In other words, the Liberian citizenry should be the targeted beneficiary of all government policies and plans that are equitable, inclusive, participatory and non-discriminatory.

Just as there cannot be development without security, nor can there be security without respect for human rights, peace will be far-fetched in Liberia without accountability for past human rights violation. Peace will be sustainable in Liberia when the citizenry trust the country's legal and political system to uphold the rule of law and equality before the law. National security will be guaranteed in Liberia when the legal and political system discourage impunity and promote accountability for infractions of the law. Ultimately, development will thrive and be sustainable in Liberia when the essential enablers of peace, national security and human rights are concretely instituted in the polity in a mutually reinforcing manner.

### **Gender Perspective, a prerequisite in enhancing Peace, National Security and Development in Liberia**

Mainstreaming gender into national and state affairs by public and private institutions, inevitably fosters peace, national security and development in Liberia. Recent statistic, reports and surveys conducted in Liberia is to the effect that, gender parity is minimized which brings about social exclusion of the women folks. The non-participation of women in key positions and state affairs has been identified as a driver to violence and conflict in Liberia.

The non-recognition of women participation in governance by state and non- state actors especially in an emerging democracy like Liberia can without any gainsaying points to the fact that, their rights are not being respected and protected. Giving women their pride of place in society mitigates violent conflict and promotes peace, national security and development. Also engaging women in peacebuilding and peace processes sustains peace and brings development especially in a post conflict country like Liberia. The participation and inclusion of women in peace huts initiatives in advancing national healing and reconciliation after the civil war in Liberia is applauded and commendable.

“Time and again, women have played a constructive and essential part in peace processes. They are gradually finding a place at the negotiating table, in the implementation of peace agreements, in post-conflict rehabilitation, reconstruction and disarmament. It is high time they were included in those processes in a more formalized way, at all levels and at all stages”.<sup>38</sup>

---

Live in Dignity, Strengthening UN in Larger Freedom, Paragraph 17. United Nations Publications 2005.

<sup>38</sup> Kofi Annan, “Africa Cannot Develop Unless African Women Exercise Real Power”, AddisAbaba (July 6, 2004)

The United Nations Security Council Resolution 1325 (2000) is based on the conceptual framework of Prevention, Participation and Protection aimed at protecting women's rights and letting them play a pivotal role in resolving conflict. The UNSCR 1325 (2000) is culminated from International human rights Law, International Humanitarian Law and International criminal Law has birthed International legal framework outlining roles and responsibilities of women in Conflict Prevention, conflict resolution and peace building.<sup>39</sup>

Women have transitioned from being victims of violent conflict and social assistance beneficiaries to problems solvers. Their roles and contributions to bring peace and stability is highly commendable and are recommended to enjoy their rights without interference as follows, right to participation, representation and decision making, equal access to resources and productivity inputs and should be protected from violence<sup>40</sup>

There is no doubt that, the effectiveness of gender mainstreaming could contribute to Peace, National Security and Development. There should be a gender approach to policy development and law reforms, which will act as an antidote to violent extremism in advancing women's rights and gender equality. Emphatically, gender considerations in political agendas are variables to Peace conversely discrimination, exclusion, gender inequality and gender stereotype will sponsor violent conflict. Gender stereotype is a pushback to developmental tendencies in every society; the implications are grievous which is an impediment to Peace and a threat to National Security. Liberia in the past years is amongst one of the nations that practice gender equality and promote women participation in politics.

You will agree with me that empowering women in our communities today is a gateway for Peace and Development. More recently, UNSCR 2122 (2013) introduced terrorism to the Women, Peace and Security (WPS) agenda indicating that women can play important roles in preventing/ countering violent extremism (P/CVE) and delegitimizing and reducing support for extremist groups. It is important to note that, Gender discrimination and inequalities in the family and community may hinder this cause. In addition, women's lack of trust and confidence in the Police, government and justice system implies that they will not be able to report cases to counter or prevent violent terrorism.<sup>41</sup>

---

<sup>39</sup> UNITED NATIONS SECURITY COUNCIL RESOLUTION 1325 (2000)

<sup>40</sup> United Nations Security Council Resolution 1325 (2000) on Women, Peace and Security Understanding the Implications, Fulfilling the Obligations, Prepared by: Francoise Nduwimana

<sup>41</sup> Academic Paper "BUILDING AN EVIDENCE BASE FOR EMPOWERING WOMEN FOR PEACEFUL COMMUNITIES": A CASE STUDY OF BANGLADESH AND INDONESIA JANUARY 2019 JACQUI TRUE, ELEANOR GORDON, MELISSA JOHNSON AND KERRY O'BRIEN MONASH GENDER, PEACE & SECURITY CENTRE, MONASH UNIVERSITY Pg 7&9

In July 2016, The Fifth Review Resolution of the Global Counter-Terrorism Strategy called upon all UN Member States to empower women and consider the impact of counter-terrorism measures on women's human rights and women's organizations and to consider providing funds within these efforts to further women's rights and empowerment. In December 2016 UN Secretary General's Plan of Action to Prevent Violent Extremism identified gender equality and empowering women as one of its seven priority areas for action. In June 2018, Sixth Review Resolution of the Global Counterterrorism Strategy urges Member States and United Nations entities to integrate a gender analysis of the drivers of radicalization of women to terrorism into their relevant programs, and to seek greater consultations with women and women's organizations when development CVE strategies.<sup>42</sup> It is incumbent on the government of Liberia to make efforts towards reviewing its laws and policies in high consideration of upholding the rights of women and mainstreaming gender in its planning, programing and budgetary allocations.

### **The Challenges and Opportunities for the Implementation of reforms for Peace, National Security and Development in Liberia; Human Rights Perspective.**

The floodgates of opportunities for a change in an emerging democracy like Liberia after the civil war cannot be overemphasized. Liberia has witnessed overwhelming Socio-Economic, Political and cultural transformation for the past 19 years. This transformation would not have been possible without the support and emphatic commitment of the United Nations system, Diplomatic missions and International Organizations. Putting human rights at the center of these processes has influenced every meaningful change that has transitioned Liberia. The political will of the government for the introduction creation of reforms that will strengthen institutions and make them more functional is imperative and critical for the sustenance of Peace, National Security and development.

International support is key in peacebuilding efforts in Liberia. These unflinching supports are financial, technical advisory all in a bid to sustain Peace, National Security and Development in Liberia. The United Nations Development Assistance Framework commits the United Nations Country Team (UNCT) to align international efforts to National Priorities in programmatic developments. Capacity building, training, coaching, mentoring, institutional strengthening, and the promotion and protection of human rights including, respect for the rule of law, accountability and advocacy for the transitional justice process has been part of these initiatives. Proactively, International partners have been partnering with national government, Regional and sub regional bodies and supporting Civil Society Organization on the ground.<sup>43</sup>

---

<sup>42</sup> ACADEMIC PAPER BUILDING AN EVIDENCE BASE FOR EMPOWERING WOMEN FOR PEACEFUL COMMUNITIES: A CASE STUDY OF BANGLADESH AND INDONESIA JANUARY 2019 JACQUI TRUE, ELEANOR GORDON, MELISSA JOHNSON AND KERRY O'BRIEN MONASH GENDER, PEACE & SECURITY CENTRE, MONASH UNIVERSITY Pg 7

<sup>43</sup> International Peace Institute; [Sustaining Peace in Liberia: New Reforms, New Opportunities](#)

L Connolly, L Mincieli - 2019 - [ipinst.org](http://ipinst.org)

## CONCLUSION

Although the Government of Liberia is the primary duty bearer for the protection of human rights, the oversight role of the LNBA is crucial in instigating the government to respect, protect and refrain from human rights violations, knowing fully well that the promotion and protection of human rights in Liberia is an imperative for peace, national security and development especially as Liberia is a post conflict country and is yet to recover from the its ugly past. The LNBA are the watchdogs of the society and can make necessary dispositions in ensuring rights are respected and protected as enshrined in the constitutions and all international conventions ratified by the government of Liberia. We therefore call on LNBA to collaborate with relevant government institutions and the Law Reform Commission and also the Independent National Human Rights Commission (INCHR) in ensuring human rights are respected leaving no one behind. We also encourage the LNBA to work closely with the United Nations system and other International human rights organizations to accomplish its mandate in the promotion and promotion of Human Rights. The Office of the High Commissioner for Human Rights-Liberia is poised to collaborate with the LNBA and the government of Liberia to promote Peace, National Security and Development in Liberia exploring various advocacy strategies and reminding the government of its human rights obligations and the use corrective measures in fulfilling, protecting and promoting Human rights while mainstreaming gender perspectives in its political agenda. There is no gainsaying that, human rights is inviolable and it is inevitable for the existence of Peace, National Security and Development in any given society. It is therefore imperative that, state actors and non-state actors in Liberia should join forces and assume key responsibilities by putting in places structures and systems that are responsive, functional and accountable ensuring respect for and protection of human rights.