

## **“RULE OF LAW IS FUNDAMENTAL TO NATIONAL AND INTERNATIONAL PEACE AND SECURITY AND POLITICAL STABILITY”. LIBERIA’S CHIEF JUSTICE**

By: P. Nas Mulbah



The Chief Justice of the Supreme Court of Liberia, His Honor Francis S. Korkpor, Sr. says that “the rule of law is fundamental to national and international peace and security and political stability, and the rule of law is essential to the people’s access to public services and curbing corruption”. Chief Justice Korkpor made these assertions at the start of the 4<sup>th</sup> National Judicial Conference convened at the Ministerial Complex, Congo Town, outside Monrovia.

He noted that Law is the system of rules made by a country or community to regulate its members. The term law, he asserted, can be used broadly and interchangeably with rule of law. And rule of law, according to the United Nations, is “a principle of governance in which all persons, institutions and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.

It requires measures to ensure adherence to the principles of supremacy of the law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency.”

Chief Justice Korkpor intoned that when the law or rule of law is violated, appropriate penalties are applied.

Public policy, on the other hand is a set of actions or decisions taken by the government or public officials on behalf of the public when addressing issues that affect the public, the Chief Justice said. He continued that while laws are specifically codified and safely implanted either in the constitution or statutes enacted by the legislature and can be easily accessed, not all public policy decisions are provided for by law.

Justice Korkpor noted that this is where arbitrary and capricious acts sometimes find way into policy decisions taken by some government functionaries. "But this need not be so since public policy decisions are especially required to be in conformity with the law at all times" he said.

According to him, the rule of law and public policy must therefore work hand in hand. All public policy decisions must be taken with the law or rule of law as the guiding principle to avoid arbitrariness.

He then reminded the participants at the Conference that the rule of law is fundamental to national and international peace and security and political stability, and the rule of law is essential to the people's access to public services and curbing corruption and therefore asserted the need for an unassailable tract of rule of law for the protection of the rights and freedoms of citizens and foreign nationals within Liberia's borders.

He described the rule of law as the cornerstone of democracy and that democracy is strongly interlinked to development. There is consensus that democratic governance, established through competitive, free and fair elections, creates a stable environment in which businesses can thrive and the economy can flourish.

Chief Justice Korkpor intimated that the core of the rule of law principle is that all persons and authorities within the state, whether public or private should be bound by and entitled to the benefit of laws duly administered in courts of competent jurisdictions whose independence is not subject to any power or influence.

"The role of the Judiciary must therefore remain sacrosanct to ensure adherence to the rule of law and the application of public policy based on existing laws", he emphasized. "Over the years, our courts have continued to carry out their primary function of hearing and fairly applying the law in cases involving those seeking refuge when in distress from unlawful intruders and violators" the Chief Justice furthered.

"There have been challenges in the process, but we have remained on course. I urge all judges to continue to do so, even in the face of bias and

negative reporting. We must disregard the loud noise from the cynics and remain focused,” stated the Chief Justice.

He pointed out that the rule of law must be fairly applied to provide a framework for the exercise of free choice and equal opportunity; which in turn will give rise to the growth and development of the economy, noting that “our laws are generally business friendly. For example, the Investment Act of 2010 forbids the nationalization of private enterprises. This has now brought Liberia in line with global best practices with assurances against unjust expropriation”.

Concerning investor protection under the law, a commercial code and an act establishing a commercial court was passed giving birth to the first commercial court which has been in operation since September 2011, the Chief Justice said. He informed the Conference that discussions are ongoing to have alternative dispute resolution a full - fledged part of the justice system of Liberia in order to hasten the process of court litigation.

The National Judicial Conference was convened from the 7<sup>th</sup> – 11<sup>th</sup> of June, 2021.