

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS OCTOBER TERM, A.D. 2025

BEFORE HIS HONOR : YAMIE QUIQUI GBEISAY, SR.....CHIEF JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR : YUSSIF D. KABA.....ASSOCIATE JUSTICE
BEFORE HER HONOR: CEATNEH D. CLINTON-JOHNSON.....ASSOCIATE JUSTICE
BEFORE HIS HONOR : BOAKAI N. KANNEH.....ASSOCIATE JUSTICE

Sarpo Community of the Republic of Liberia)	
.....Appellant)	
)	
Versus)	Appeal
)	
The Central Bank of Liberia by and thru its)	
executive Governor Mr. J. Aloysius Tarlue)	
of The City of Monrovia.....1 st Appellee)	
)	
And)	
)	
The Executive Branch of the Government of)	
Liberia by and thru the Ministry of Justice)	
.....2 nd Appellee)	
)	
<u>GROWING OUT OF THE CASE:</u>)	
)	
The Central Bank of Liberia By and thru its)	
executive Governor Mr. J. Aloysius Tarlue of)	
The city of Monrovia1 st Movant)	
)	
And)	
)	
The Executive Branch of The Government of)	
Liberia by and thru the Ministry of)	
Justice2 nd Movant)	
)	
Versus)	Motion to Dismiss
)	
Sarpo Community of the Republic of Liberia)	
.....Respondent)	
)	
<u>GROWING OUT OF THE CASE:</u>)	
)	
Sarpo Community of the Republic of Liberia)	
.....Petitioner)	
)	
Versus)	Petition for Declaratory Judgment
)	
The Central Bank of Liberia By and thru its)	
executive Governor Mr. J. Aloysius Tarlue of)	
The city of Monrovia1 st Movant)	

Heard: November 17, 2025

Decided: December 18, 2025

MR. JUSTICE KANNEH DELIVERED THE OPINION OF THE COURT

The Constitution of Liberia provides for the equal treatment of all persons, groups, and races regardless of sex, creed, religion, ethnic background, place of origin or

political affiliation. For this reason, any allegation of discrimination against any individual or group should be treated with outmost care and extreme seriousness. This, we must do because our Constitution calls for national integration and unity of the people of Liberia, regardless of ethnic, regional or other difference, into one body politic. Our Constitution also mandates the Government to take steps, by appropriate legislation and executive orders, to eliminate sectionalism, tribalism and such abuses of power as the misuse of government resources, nepotism and all other corrupt practices (*Article 5, Constitution of Liberia*).

Taking judicial cognizance of the aforementioned constitutional provisions, we address the present appeal which borders on alleged discriminatory practices against a self-styled group referring to themselves as the Sarpo Community of Liberia.

The pertinent facts as culled from the trial records reveal that on September 7, 2023, a group referring to itself as the Sarpo Community of the Republic of Liberia filed a fourteen-count petition for declaratory judgment before the Sixth Judicial Circuit, Civil Law Court, Montserrado County. In their petition filed, the petitioners contend that the Sarpo indigenous group have been residing in the territory now called Liberia long before the formation of the Liberian State; that despite their presence on the Liberian soil prior to the formation of the Liberian State, it was the 2008 National Population and Housing Census Report which recognized the Sarpo as the 17th ethnic group of the Republic of Liberia; that notwithstanding the granting of their ethnic status by the 2008 Census Report, the co-appellee Central Bank of Liberia, upon receiving authorization from the National Legislature to print a new family of banknotes proceeded with the exercise without including any cultural identity of the Sarpo ethnic group. Specifically, the petitioners asserted that the co-appellee Central Bank of Liberia during the process of printing the new set of banknotes included in the design of the One Thousand Liberian Dollar bank note the cultural masks of every other Liberian tribe excluding the Sarpo ethnic group; that the appellants upon making this discovery immediately notified the Central Bank of Liberia to take corrective action to resolve the matter; however, according to the appellants, the CBL has since neglected to address this issue; that the act of the CBL is deliberate because the Liberian Government by and thru the Ministry of Education has revised and updated its history and Civics curriculum with the Sarpo tribe now included as one of the seventeen tribes of the Republic of Liberia; that the intentional exclusion of the Sarpo tribe from the One Thousand Liberian Dollar

banknote is discriminatory and same constitutes a violation of the constitutional right of the Sarpo people; and that the marginalization and exclusion of any tribal group undermine national unity. To establish their standing to file the petition for declaratory judgment, the petitioners attached to their pleadings a resolution by what the petitioners termed as “Sarpo Citizens of Liberia,” to include signatures from the Elders, Traditional Leaders, and youth groups of the Sarpo Community in both Sinoe and Montserrado Counties.

On September 18, 2023, the co-appellee Central Bank of Liberia filed a sixteen-count Returns to the appellant’s petition. In its returns, the co-appellee CBL argues that although the 2008 Census Report recognized the Sarpo as one of the tribes in Liberia, the CBL is not a competent authority to determine the official tribes of Liberia; that the relevant authorities which are the Ministry of Information and Cultural Affairs and the Ministry of Internal Affairs presented to the CBL sixteen (16) masks representing the officially recognized tribes of Liberia; that the designation of any group by the National Government as an official tribe is not a legal question but a political question; therefore, same is not justiciable before a court of law; that the civic education conducted by the co-appellee CBL was for public education as to how the banknote would have appeared and not to solicit input on what should be included thereon as the bank notes were already printed for circulation into the economy; that the appellant’s letter to the CBL requesting inclusion of the Sarpo cultural mask on the One Thousand Liberian Dollar bank note was belated because the One Thousand Liberian Dollar bank note was already in print, which cost nearly One Million United States Dollars and ready for circulation into the economy; and that the CBL cannot be held liable for violation of the appellants’ constitutional right to recognition as a tribe because the granting of official recognition to ethnic groups in Liberia is not among the statutory function of the Central Bank of Liberia.

The co-appellee Central Bank of Liberia also filed along with its returns a one-count motion to dismiss the appellants’ petition for declaratory judgment on grounds that the entire petition presents a political question which cannot be answered by the application of law. Hence, the Sixth Judicial Circuit, Civil Law Court, Montserrado County, lacks subject-matter jurisdiction over the action.

On September 27, 2023, the co-appellee, the Executive Branch of Government by and thru the Ministry of Justice filed a motion to intervene in the present action. The motion to intervene was heard and granted by the trial judge, thereby making the Executive Branch of Government a proper party in this case. Following its intervention in the instant action, the Executive Branch of Government on October 4, 2023, filed a sixteen-count returns to the appellant's declaratory judgment action contending as follows:

That the appellants lack the standing and capacity to sue because the appellants originate from both Grand Gedeh and Sinoe Counties whose cultural masks are found on the One Thousand Liberian Dollar bank note; therefore, they cannot institute any legal proceedings for and on behalf of those counties without the express will, consent, and authority of those counties; that the appellants have no authority to question the printing and or exclusion of an alleged Sarpo cultural mask on the One Thousand Liberian Dollar bank note because the Sarpo people are not a tribal group but rather an ethnic affiliation grouping within Grand Gedeh and Sinoe counties whose tribal masks are already placed on the One Thousand Liberian Dollar bank note; that the entire petition is filed for the purpose of harassment in that the co-appellee Central Bank of Liberia did extensive consultations with relevant line ministries and agencies prior to the printing of the One Thousand Liberian Dollar bank note and that the said consultations indicate that there are only sixteen (16) ethnic groups in Liberia excluding the Sarpo people; and that contrary to the assertion of the appellants, Liberia as a sovereign State, is not in the business of violating the constitutional rights of its citizens.

The co-appellee, Executive Branch of Government also filed along with its returns a four-count motion to dismiss the petition for declaration judgment arguing essentially that the petition is a fit subject for dismissal because the appellants lack the standing and capacity to institute the petition for declaratory judgment.

On November 20, 2023, the trial court upon reviewing the petition, the returns thereto and the motion to dismiss filed by co-appellees the Central Bank of Liberia and the Executive Branch of Government, rendered his ruling on the motion to dismiss. We quote the ruling of the trial judge in its entirety as follows to wit:

“A petition for declaratory judgment was filed by the Respondent Petitioner SARPO Community herein against the Movant Respondent the Central Bank of Liberia, on the 23rd day of August AD 2023. The Movant Respondent filed its Returns on the 1st day of September AD 2023 along with a motion to dismiss. The Petitioner subsequently withdrew its Petition and filed an amended Petition on the 7th day of September AD 2023. Thereafter, the Respondent Movant filed its Amended Returns on the 18th day of September AD 2023 along with a one-count motion to dismiss.

The Petitioner filed its Reply on the 25th day of September AD 2023. Perusal of the record further revealed that the Government of Liberia through the Ministry of Justice, filed a motion to intervene. The Motion to Intervene was heard and granted making the Government of Liberia party Motion to dismiss filed by the 1st Respondent the Central Bank of Liberia and the 2nd Respondent the Government of Liberia that are under consideration for determination by this court.

According to the 1st Respondent’s Motion to dismiss, this Court lacks jurisdiction over the subject matter because becoming a tribe in Liberia is not a legal question. The 2nd Respondent Movant averred that the Petitioner Respondent lacks legal capacity and standing to institute on their own behalf or in representative capacity without the express will and consent of other counties where the Sarpo people lived. According to Movant, The Petitioners are located in two or more counties in the Republic of Liberia.

The Respondent resisted the Motion to dismiss and contended that portion of the 2008 population and housing census expressly states the distribution of the population by ethnic affiliation, age and sex. That the entire Motion does not fall under any of the grounds in chapter 11.2 of the Civil Procedure Law. That Chapter 40, Section 43.1 empowers courts of record within their respective jurisdiction shall have the power to declare rights, status, and other legal relations whether or not further relief is or could be claimed.

There are two issues for the determination of this case: whether or not this Court lacks jurisdiction to declare the rights of the Sarpo Community to be a recognized tribal group of Liberia. And 2. Whether or not the petitioner represented by Jimmy Kannah, who signed for and on behalf of the Putu Region of the Sarpo people has the capacity and standing to institute this petition for and on behalf of the entire Sarpo people of Liberia.

As to the first issue, whether or not this Court lacks jurisdiction to declare the rights of the Sarpo Community to be a recognized tribal group of Liberia. This Court answers in the Negative and says it does not have jurisdiction. This Court

says that it is a settled law in this jurisdiction that whenever the issue of a Court's jurisdiction is raised, every other thing in the case becomes subordinated until the Court has determined its jurisdiction to hear and dispose of the particular matter and the rationale for this principle is that where a court lacks jurisdiction to entertain a matter whatever decision or judgment it renders in that matter is a legal nullity *Scanship Lib Inc, v Flomo* 41 LLR 181.

Of greater importance to the jurisdictional question is the subject matter jurisdiction and this is because, unlike other motions challenging the jurisdiction of the Court, it is not necessary that a motion challenging the subject matter jurisdiction of the Court be filed at the time of the service of the responsive pleading; a challenge to the Court's authority to exercise jurisdiction over the subject matter of any legal proceeding can be raised at any point of the trial and even before the Supreme Court. Hence, this Court is obliged to make a preliminary determination of its authority to exercise jurisdiction over the subject matter of these proceedings before it can take any other action.

The substance of the Movant's Motion to Dismiss the Respondent/ Petitioner's Petition is that the issue of how a tribal group becomes officially recognized is not justiciable before this Court, therefore this Court lacks jurisdiction over the subject matter. Hence, this Court has not authority to declare Petitioner rights to declare it as a legitimate ethnic group and order to place its mask on the one thousand Liberian Dollars note since it is the function of the Government of Liberia to officially recognize a group of people as an ethnic group or tribe of Liberia, which is a constitutional issue.

Respondent contends that LISGIS declared that the Sarpo Community is the 17th tribe of the Republic of Liberia. As far as this Court is concerned and taking note of the Statutory functions of LISGIS, it does not include any specific information about the Liberia Institute for Statistics and Geo Information Services (LISGIS) having the authority to declare the and disseminating statistical and geo-information data in Liberia. The legitimacy of a tribe or ethnic group in Liberia is a sociocultural matter, and it is not typically determined by a statistical or geospatial agency like LISGIS. Instead, the recognition and identification of tribes in Liberia are usually based on historical, cultural, and societal factors.

This Court further says the Civil procedure Law does provide for dismissal of an action where the Plaintiff lacks the capacity to sue, and in the instant case, since the issue of how one becomes a tribe in Liberia is constitutional and therefore a single group calling itself Sarpo Community is not authorized, empowered, appointed to act for and on behalf of an ethnic group that constitutes a tribe in Liberia, that is found almost in

all of the sixteen counties of Liberia, this Court does not have jurisdiction over the subject matter.

As to the second issue whether or not the Petitioner represented by Jimmy Kannah, who sighed for and on behalf of the Putu Region of the Sarpo people has the capacity and standing to institute this Petition for and on behalf of the entire Sarpo people of Liberia. As a matter of Law, this court must decide the issue of standing now in this case unless and until this Court has determined that the Petitioner has standing to bring this case, it would be fruitless to go further. If the Petitioner Respondent has no standing to bring this case, then in that case, that case will be dismissed for lack of proper party, without deciding the substantive issues.

Courts of justice are only required to decide issues squarely raised by proper parties before it, a party without standing or capacity to sue cannot enjoy the benefit of a court decision. thus, the question of whether a party has standing to participate in a judicial proceeding is not simple a procedural technicality but, rather involves the remedial rights affecting the whole of the proceeding. Standing involves a jurisdictional issue that concerns the power of courts to hear and decide cases and does not concern the ultimate merits of substantive claims involved in the action. Before a matter can be decided on its merits the issue of standing must first be decided. If it is determined that the plaintiff lacks standing to institute the actions, the action will be dismissed without deciding the substantive issues raised in the case.

Standing as consistently being held, is a legal doctrine that holds that a party's ability to bring a lawsuit in court is or must be based upon the party's stake in the outcome of the case. A petition for declaratory judgment, similar to the one in the instant case, was filed challenging the constitutionality of Section 11 of City Ordinance # 1 promulgated by the City Corporation of Monrovia prohibiting selling on Sundays. The Petition argued that Section 11 of City Ordinance # 1 tended to give preference to the Christian Religion over other religious sets in that it banned marketing on Sunday which is a day on which Christians worship; thus according to the Petition, the Ordinance was discriminatory.

In passing on the issue of standing that was raised, the Supreme Court, speaking in a unanimous decision through Madam Chief Justice Gloria Scott, held that the Center for Law & Human Rights Education, one of the Petitioners in the case, lacked standing to mount a challenge to the City Ordinance because it failed to show how it or its members were adversely affected by Section 11 of the Ordinance.

The Court stated: "A group of organization can also have standing as the representative of its members, provided that it

has alleged facts sufficient to make out a case or controversy had the members themselves brought suit. A mere interest in a problem, no matter how qualified the organization is in evaluating the problem, is not sufficient by itself to render an organization adversely affected or aggrieved for the purpose of giving it standing to obtain judicial review. The group seeking review must have suffered an injury. Before a law can be assailed by a person on the grounds that it is unconstitutional, he must show that he has an interest in the question, in that the enforcement of the law would be an infringement on his rights.

Assailants must therefore show the applicability of the statute to them that they are thereby injuriously affected, and that a statute or ordinance will not be struck down unless plaintiffs are actually aggrieved and prejudiced by its enforcement. Thus is it said only a real party in interest has the right to question the constitutionality of a statute or ordinance before the Court. These rules are applicable to all cases, both at law and in equity, to attacks on ordinances and to criminal proceedings. Further, one who is not prejudiced by the enforcement of an act of the legislature (council) cannot question its constitutionality. Absent a showing of injury, actual or threatened, there can be no constitutional argument.

A party seeking to demonstrate standing must show the Court sufficient connection to and harm from the law, action, or inaction challenged; otherwise, the party lacks standing to bring the lawsuit. In order to establish standing to sue, a party must show that: (1) the party has concrete and particularized, actual or imminent invasion of a legally protected interest or right if the party does not bring the suit; (2) the injury is a result of the Defendant's conduct. In other words, there must be a causal connection between the injury allegedly suffered and the conduct complained of; and (3) a finding in the party's favor is likely to redress or remedy the injury. In the case: *Center for Law & Human Rights Education et al. v. Monrovia City Corporation et. al.* 39 LLR 32.

In the instant case before this court, the Petitioner/Respondent contends that it is the 17th tribe of Liberia and that Movant printed money and included all the other tribes of Liberia and left it out and therefore seeks the aid of this Court to declare its rights. While Movant has challenged this Court Jurisdiction and contended further that it is an institution of government that does not have the power and authority to mint or print money. In a long line of cases, this court has applied the doctrine of standing to prevent parties that have no interest in a subject matter from utilizing the Courts of this Republic to file claims wherein there are no real parties of interest.

In the case: *Morgan v. Barclay et. al.*; 42 LLR 269 the supreme Court defined the legal capacity to sue as the right to come

into court. In that case, the Court held that: The standing to sue doctrine means that a party has sufficient stake in an otherwise justiciable controversy to obtain judicial resolution of that controversy. Standing is a concept utilized to determine if a party is sufficiently affected so as to ensure that a justifiable controversy is presented to the Court. The requirement of standing is satisfied if it can be said that the Plaintiff has a legally protectable and tangible interest at stake in the litigation.

This Court says according to the constitution of Liberia, the Central Bank of Liberia is not the proper party but rather the legislature as it is the Branch of Government responsible for the issuance of currency in Liberia. According to Article 34 D (ii) of the Constitution of Liberia, the Legislature shall have the power: to levy taxes, duties, imposts, excise, and other revenues, to borrow money, issue currency, mint coins, and make appropriations for the fiscal governance of the Republic, subject to the following qualifications: (ii) no monies shall be drawn from the treasury except in consequence of appropriations made by legislative enactment and upon warrant of the President; and no coin shall be minted, or national currency issued except by the expressed authority of the Legislature. An annual statement and account of the receipt and expenditure of all public monies shall be submitted by the office of the President to the Legislature and published once a year.

With this constitutional provision, this Court therefore, says the Act establishing the Central Bank of Liberia, constitutionally does not constitute the printing and minting of money but rather acts based on the directive and authority of the National Legislatures of Liberia. The rights granted to any branch of the Liberian Government, specifically the National Legislature and the Act establishing Movant, the Central Bank of Liberia, herein are clearly and explicitly defined by the 1986 constitution and therefore, it is not what the Respondent states, feels, and thinks that is necessary and right to do but rather what is legal, and what powers the Movant has under the constitution of Liberia to do what it has done.

What the 1986 Constitution does not give a branch of the Government, is excluded from its province; what it gives is clearly defined and provide in its specific provisions and articles. The power to issue and levy taxes, duties, imposts, excise, and other revenues, to borrow money, issue currency, mint coins, and make appropriations are Legislative functions that can only be performed by the National Legislatures and not the Movant herein, which lacks the legal authority or standing and cannot arrogate unto itself the authority the National Legislature its constitutional duty and functions.

Therefore, this Court says the contention of the Movant that the Respondent Petitioner does not have the legal capacity to sue or institute the Petition, is legally sound with a strong foundation. Under the law, the Respondent has no legal duty to defend the Sarpo Community against all suits and to protect it against all doubtful and invalid claims. Therefore, the Respondent does not have a legally protectable interest at stake to protect.

The appellant, being dissatisfied with the trial court's ruling, filed a fourteen-count bill of exceptions for our review, stating the alleged errors committed by the trial judge. This Court, having reviewed the bill of exceptions, notes that it contains repetition of some of the counts. Hence, we will now proceed to summarize the basic contentions of the appellants as outlined in the bill of exceptions.

The crux of the appellants' contentions are enumerated as follows 1) that the trial judge erred when he held in his ruling that the appellants lack the standing and capacity to institute the present action, 2) that the failure of the co-appellee Central Bank of Liberia to include the cultural mask of the Sarpo ethnic group on the One Thousand Liberian Dollar bank note is discriminatory and violates the appellants' constitutional right to recognition as enshrined in the Constitution.

First, we shall address the issue of the appellants' standing to file the present suit.

In order to establish standing to sue, a party must show that: (1) the party has suffered an injury in fact-that is, the party has suffered or will suffer a concrete and particularized, actual or imminent invasion of a legally protected interest or right if the party does not bring the suit (2) the injury is a result of the defendant's conduct. In other words, there must be a causal connection between the injury allegedly suffered and the conduct complained of and (3) a finding in the party's favor is likely to redress or remedy the injury. According to the doctrine of standing, also, a party seeking to demonstrate standing must assert his or her own rights and cannot raise the claims of a third party or third parties who are not before the court; nor can such a party make claims of generalized injury common to the body politic-the claimed injury must be individualized and unique or personal to the plaintiff. In a long line of cases, this Court has applied the doctrine of standing to prevent parties having no interest in a subject matter from utilizing the courts of this Republic to file claims wherein there are no real parties of interest. *Citizen Solidarity Council*

v. The Government of Liberia, Supreme Court Opinion, October Term 2015; *Wiles et. al v. The Intestate Estate of Arthur and Reuben Hart*, Supreme Court Opinion, March Term 2025.

The standing to sue doctrine means that a party has sufficient stake in an otherwise justiciable controversy to obtain judicial resolution of that controversy." Standing' is a concept utilized to determine if a party is sufficiently affected so as to ensure that a justiciable controversy is presented to the court. The requirement of standing' is satisfied "if it can be said that the plaintiff has a legally protectable and tangible interest at stake in the litigation. *Consolidated Group v. Satcon*, Supreme Court Opinion, October Term 2024; *Misoschewsk et. al v. Afriland First Bank et. al*, Supreme Court Opinion, March Term 2025; *Chronicles Newspaper & Brown v. RL*, Supreme Court Opinion, March Term 2015.

In the instant case, the appellants have alleged that the exclusion of their cultural mask from the One Thousand Liberian Dollar bank note while including the other sixteen (16) tribes constitutes sufficient injury for the purpose of granting them standing and capacity to file the current action. As previously indicated, the appellants attached to their pleadings a resolution by what the appellants termed as "Sarpo Citizens of Liberia," to include signatures from the Elders, Traditional Leaders, and youth groups of the Sarpo Community in both Sinoe and Montserrado Counties to establish their standing to file the petition for declaratory judgment.

As we see it, the appellants have the standing and capacity to institute the present action because they have alleged facts sufficient to prove they have suffered individualized injury. The reason is that, the appellants alleged that their cultural insignia was excluded from the design of the One Thousand Liberian Dollar banknote which portrayed the traditional masks of the sixteen (16) tribes. Whatever justification the co-appellee CBL had for the omission of the appellants' cultural mask from the One Thousand Liberian Dollar banknote does not negate the fact that the action of the co-appellee Central Bank of Liberia directly affected the appellants for the purpose of granting them standing to file the present action. However, our conclusion here does not answer the question whether the appellants are members of the seventeen (17) ethnic group of Liberia or not. All we say here is that any group directly or indirectly affected by the action of an administrative agency has the standing and capacity to raise said issue before the proper legal forum. Hence, the

appellants having been directly affected by the act of the co-appellee Central Bank of Liberia, we disagree with the ruling of the trial judge to the effect that the appellants lack the standing and capacity to institute the present action.

We now address the primary issue presented by this case, which is whether or not the failure of the co-appellee, Central Bank of Liberia to include the cultural insignia of the Sarpo people on the One Thousand Liberian Dollar bank note constitutes discriminatory practice in violation of our Constitution? Assuming the answer to this question is in the affirmative, does this present a justiciable issue which can be determined by this Court?

Our quest to adequately address this issue, we believe, requires basic explanation of the fundamental principles of our constitutional Government. The three Branches of the Government of the Republic of Liberia derive their authorities wholly from the powers granted to them by the Constitution, which is the supreme source of power authorizing action by any Branch of Government. The Constitution vests the power to make law in the Legislative Branch, the power to enforce law in the Executive Branch; and the power to interpret law in the Judiciary Branch of Government

One Branch cannot perform the duties and functions specially ascribed to another Branch. Therefore, this Supreme Court cannot exercise any power other than judicial power. In this regard, Article 65 of the Constitution provides:

“The Judicial Power of the Republic shall be vested in a Supreme Court and such subordinate courts as the legislature may from time to time establish. The courts shall apply both statutory and customary laws in accordance with the standards enacted by the Legislature. Judgments of the Supreme Court shall be final and binding and shall not be subject to appeal or review by any other branch of Government. Nothing in this Article shall prohibit administrative consideration of the justiciable matter prior to review by a court of competent jurisdiction.”

We note that the appellants have argued that this Court by the dictates of the Constitution, is clothed with the authority to address the discriminatory practice meted out against it by the co-appellee Central Bank of Liberia, when the CBL in the exercise of printing the new family of banknotes excluded its cultural insignia from the design of the One Thousand Liberian Dollar bank note while including the cultural emblems of the other sixteen (16) tribes.

We must also note that for this Court to grant the relief sought, it must clearly be shown that the present appeal presents a justiciable issue, and not a political question. In our opinion, the primary contention of the appellants which is that the co-appellee Central Bank of Liberia, in the exercise of its statutory function to print Liberian dollars banknotes, excluded its cultural mask from the One Thousand Liberian Dollar banknote while including the other sixteen (16) tribes is one which this Court, being the final arbiter of justice of our Government, cannot make because of the doctrine of separation of powers enshrined in our Constitution and also because of the political question doctrine. The political question doctrine recognizes the principle of separation of powers, which is inherent in our Constitution and therefore excludes some disputes from judicial determination.

The questions we ask ourselves are: Can this Court legally compel the Central Bank of Liberia to include all of the ethnic groups on the Liberian Dollars banknotes? Does any Liberian ethnic group have a right to appear on Liberian Dollars banknote? Assuming the Central Bank of Liberia decides to remove those ethnic groups that are currently on the One Thousand Liberian Dollar banknote, will such a challenge be justiciable? We answer in the negative.

To present a more clearer picture, the five (5), ten (10), twenty (20), fifty (50) and hundred (100) Liberian dollars banknotes contain the insignia of certain former Liberian presidents, can the heirs, administrators and executors of those former presidents who are not placed on any of the Liberian dollars banknotes legally bring a class action as a group to compel the Central Bank of Liberia to include those former presidents who are not on any of the banknotes? We say an emphatic no!

According to the political question doctrine, a subject matter is inappropriate for judicial resolution where it is exclusively assigned to the political branches of our government or where the political branches are better-suited than the judicial branch to determine the matter. Hence, the political question doctrine excludes from judicial review those controversies which revolve around policy choices and value determinations only committed for resolution by the Legislative or Executive Branch of our Government.

In the case: *Massaquoi v. The Republic*, 3LLR 41 (1933) this is what this Court said:

"Matters which are by their nature solely political should be confined within the realm of politics. There is a vital difference between justiciable matters and matters

that are political. Courts of law are instituted for the purpose of deciding only such questions as are susceptible of determination by the application of well recognized rules of law or equity by which they can be decided. The only other rule applicable to the adjustment of such questions is the rule of conciliation or compromise; and when a court of law embarks on such turbulent seas, it immediately loses its office as a judicial tribunal and abdicates its forum where pettifogging politicians resort to ventilate their little minds. Any verdict based upon non-justiciable matters is therefore illegal, and the appellate Court shall remand the cause to be tried de novo."

The foregoing position of this Court taken about two scores and a year ago, was confirmed in a more recent case: *In re: Constitutionality of Legislative Joint Resolution, Leg.-002 (210)*, Supreme Court Opinion Special Session, October 11, 2010. We reconfirm that position today.

As the final arbiter of justice, we are not alone in our stance to decline to address, political questions. The circumstances which may trigger the political question doctrine and therefore prevent a court from probing into a case were spelled out by the United States Supreme Court in *Baker v. Carr*, [1962] USSC 42; 369 U.S. 186, 217 (1962), as follows:

"Prominent on the surface of any case held to involve a political question is found a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for non-judicial discretion; or the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multifarious pronouncements by various departments on one question." In *Harisiades v. Shaughnessy*, [1952] USSC 51; 342 U.S. 580, 589 (1952), the United States Supreme Court stated that "policies in regard to the conduct of foreign relations, the war power, and the maintenance of a republican form of government are so exclusively entrusted to the political branches of government as to be largely immune from judicial inquiry or interference."

Applying the aforementioned guideposts to the case at bar, we find that the issues raised by the appellants which in essence requires the determination of whether a

certain group constitutes a tribe belong squarely to the Legislative and Executive Branches of Government and is an issue which this Court lacks jurisdiction to decide as the Supreme Court does not give advisory opinion.

The Judiciary of our country was created and empowered, specifically, to resolve justiciable issues and not to formulate policies and set standards, except in matters which involve legal disputes. The political question doctrine therefore restrains the courts from interfering in a matter that is purely political or involved policy choices, such as whether or not to declare war; whether or not to establish diplomatic relations or to sever same; or whether or not the government should develop a social welfare policy aimed at helping the poor or elderly etc. And in this case, whether or not a certain group constitutes a tribe or not. Accordingly, it is not within the province of this Court to determine which group constitutes a tribe as we have found no legislative enactment clearly defining or omitting the various tribes of the country.

WHEREFORE AND IN VIEW OF HE FOREGOING, the trial court's final ruling is affirmed with the modification that the appellants have the standing and capacity to institute the present action. However, this Court having determined that it cannot decide a political question, also declines to give an advisory opinion in this matter. The Clerk of this Court is ordered to send a mandate to the court below commanding the judge presiding therein to resume jurisdiction over this case and enforce the Judgement of this Opinion. AND IT IS HEREBY SO ORDERED.

Ruling affirmed.

When this case was called for hearing, Counsellors Tiawon Gongloe, Momolu G. Kandakai, and Philip Y. Gongloe of the Gongloe & Associates Law Firm appeared for the Appellant. Counsellor Augustine C. Fayiah, Solicitor General of the Republic of Liberia and Cllr. Ruth Jappah, Legal Counsel for the Central Bank of Liberia, appeared for the Appellee.