



**STATEMENT OF THE NDI/CARTER CENTER
PRE-ELECTION DELEGATION TO LIBERIA'S 2005 ELECTIONS**

Monrovia, September 9, 2005

This statement is offered by an international pre-election delegation to Liberia, organized jointly by the National Democratic Institute (NDI) and The Carter Center. From September 1 through 9, 2005, the delegation assessed the political environment in Liberia in advance of the October 11 presidential and legislative elections. The delegation met with a broad spectrum of Liberian political and civic leaders, government officials, electoral authorities and representatives of the international community in Monrovia. In addition, the delegation traveled outside Monrovia to Bomi, Bong and Grand Bassa Counties, and was informed by in-country staff members and long-term observers who have visited all 15 counties in recent months.

I. EXECUTIVE SUMMARY

Presidential and legislative elections scheduled for October 11, 2005, offer the people of Liberia an opportunity to further overcome a history of civil conflict and authoritarian rule. The establishment of democratic governance offers the best hope, and a difficult challenge, for attaining sustained peace and development in the country. The elections can be an important step in that direction.

The electoral environment is marked by impressive positive factors, including the development of a Political Parties' Code of Conduct, good faith efforts by the National Elections Commission (NEC) to encourage the participation of citizens in the elections and an electorate that has demonstrated a high level of interest in participating in the process. However, serious challenges for conducting a peaceful and credible process remain. Beyond the elections, Liberia's new government will need to overcome the factors that provoked violence in the past, as well as face new challenges of national reconciliation and democratic development. Ultimately it will be up to the Liberian people to determine whether the political will exists to achieve democratic governance.

The delegation noted the commitment of many Liberians, government officials, political and civic leaders to developing a democratic election process. In recognition of this, and, in the spirit of international cooperation, the delegation respectfully offers the following major recommendations. Further recommendations are offered later in the text of this statement.

- Concerted efforts should be made to inform the public of plans made to guarantee security around the elections, specifically the roles of the Liberian National Police (LNP) and coordinated efforts with United Nations Mission in Liberia (UNMIL) and others. Greater public understanding of these plans for electoral security will encourage election participation and may serve as a deterrent to those who might use violence as a political tool.

- To build public confidence in the impartiality of the electoral complaint process, NEC should outline and publicize its methodology for resolving election-related complaints. The NEC timeline should establish specific deadlines for the filing of complaints to ensure that electoral disputes are not used to disrupt the electoral process. Sufficient resources should be dedicated to ensure that the potential volume of complaints can be processed impartially and on an expedited basis with adequate transparency in accordance with due process requirements and equality before the law.
- The NEC and its international partners, as a matter of priority, should undertake a public education effort concerning the tabulation and announcement of results to quell rumors and build trust in the process. Given the sensitive nature of the tabulation and announcement of results, sufficient safeguards should be in place and made known to the public.
- Political parties should ensure that their activists refrain from violence and intimidation and act in accordance with the law and democratic principles.

II. DELEGATION AND ITS WORK

The purposes of this assessment are to demonstrate the interest of the international community in the development of a democratic political process and democratic governance in Liberia, and to present an accurate and impartial assessment of the political environment and its implications for democratic development.

The assessment has been conducted according to international standards for non-partisan election observation in particular with the Declaration of Principles for International Observers, in conformity with Liberian law and without interference in the election process. It is not the intention of the delegation to render a complete or definitive assessment of the election process, given that the elections are yet to occur. Indeed, it is the people of Liberia who, as citizens and voters, will determine the credibility of their elections and the country's democratic development. At the same time, NDI and The Carter Center note that the international community shares responsibility in ensuring that the Liberian people are able to exercise their electoral rights in their upcoming elections.

The delegation included: Mark Clack, Country Director for NDI/Nigeria; Tom Crick, Senior Political Analyst and Liberia Project Director for The Carter Center; Almami Cyllah, former Electoral Commissioner of the Interim National Election Commission of Sierra Leone; Olayinka Lawal, Executive Director of the Constitutional Rights Project in Nigeria; and James Viray, former Program Officer for Liberia at the International Republican Institute (IRI). The delegation was joined by Sidi Diawara, NDI/Liberia Country Director; Titi Pitso, NDI/Liberia Senior Elections Program Manager; Ashley Barr, TCC/Liberia Country Director; and Linda Patterson, NDI/Washington Program Officer.

Team members met with a cross section of Liberian political party leaders, election authorities, representatives of civil society, media and the international community. The team expresses

appreciation to everyone with whom it met for freely sharing their views on the electoral process.

III. THE ELECTORAL CONTEXT

The pre-election period is critical to understanding and evaluating the degree to which elections are democratic. A full and complete assessment of any election must take into account all aspects of the election process: the legal framework; the political context before and during the campaign; voting and ballot counting processes; the tabulation of results; the investigation and resolution of complaints; and the conditions surrounding the implementation of the election results.

Following two decades of turmoil and civil war, Liberia has a historic opportunity to end the political discord and violence that have impoverished the country and destabilized the region. As Liberia seeks to move beyond its violent past, many Liberians see the upcoming elections as a critical step towards democratization, good governance, and sustainable peace. At the same time, Liberia, as in countries emerging from conflict, suffers from political polarization and destroyed infrastructure. Political and civic leaders expressed frustration to the delegation about their inability to reach all parts of the country to campaign and conduct voter education activities.

Political Parties and the Campaign: On August 12, the NEC approved 762 candidates to contest the presidential and legislative elections. Those approved include 22 candidates for president, 22 for vice president, 206 for the Senate's 30 seats, and 512 for the House of Representatives' 64 seats. Of the total number of candidates, 110 are female, constituting 14 percent of the contenders. Although the NEC Political Parties Guidelines called for 30 percent of candidate slots to be reserved for women, few women succeeded in winning nominations in the traditionally male-dominated politics of Liberia.

The NEC rejected five independent presidential aspirants, three vice presidential nominees and nine contenders for the House of Representatives, for failing to fulfill election requirements. Many of the rejected applicants' petitions to contest the elections lacked the requisite number of registered voters' signatures. Some of the rejected applicants have contested the NEC's decision in the Supreme Court.

Legal Framework: The 2003 Comprehensive Peace Accord (CPA), which ended the civil war and established the transition government and electoral process, precludes senior members of the National Transitional Government of Liberia (NTGL), including Chairman Gyude Bryant, senior ministers, the Speaker and the Deputy Speaker of the National Transitional Legislative Assembly (NTLA), and the Chief Justice, from running for office. The NTLA passed an electoral reform bill in December 2004.

In accordance with the CPA the election law suspended certain aspects of the Liberian Constitution, including bypassing a ten-year residency requirement for presidential candidates and a requirement for a national census and redistricting before elections. The December 2004 Electoral Reform Law dictates that a majority system will be used to determine the outcome of presidential and legislative elections. Each of Liberia's 15 counties has been allocated two seats in the House of Representatives, with 34 additional seats distributed to the counties according to

the number of voters registered. Each county will also have two Senators. For the presidential race, a run-off election will be held between the top two vote-getters if no single candidate wins an absolute majority in the first round. The election law also specifies the requirements for proving voter eligibility, outlines registration and voting procedures for refugees and internally displaced persons (IDPs) and set limits on campaign expenditures.

The NEC has since streamlined elections procedures to conform to the CPA timeline. For example, Liberians will not be allowed to register to vote on election day. In addition, the NEC serves as the primary adjudicator of electoral disputes, with appeals referred directly to the Supreme Court.

Voter Registration: Voter registration took place in Liberia from April 25 to May 21. According to official NEC figures, approximately 1.3 million of an estimated 1.5 million eligible voters registered, with equal representation by men and women. Significantly, an estimated 61,000 IDPs registered in the camps and 71 percent intend to vote in their respective counties of origin. In general, observers considered the exercise a success despite significant challenges. For example, IRI, in collaboration with NDI and The Carter Center, fielded a pre-election assessment delegation during the voter registration period and reported that while the process was technically sound and relatively peaceful, insufficient voter education and difficult logistics and in-country travel impeded turnout early in the process.

The NEC has organized a two-week voter card replacement session from September 17 to 30 for people who have lost their cards. During this session, these cards will be issued only to individuals whose names are already on the voter registration list, they will contain the label “replacement” and differ in color from the regular registration cards. In order to ensure that polling station officials employ safeguards against illegal voting, NEC officials will include in the balloting materials a list of all individuals for that polling place who received replacement cards. Once a replacement card is issued, a citizen cannot use his or her original voter card to vote; they will be required to present their replacement card before they will be allowed to vote.

III. OBSERVATIONS AND RECOMMENDATIONS

Security

The campaign season started on a relatively peaceful note, although a few minor infractions raised concerns about the potential for violence during the election period. Minor confrontations occurred between rival groups, including fistfights among some supporters of different parties. The Ministry of Justice, NEC and political parties restarted a long-standing dialogue to coordinate rallies and other campaign events in order to prevent further clashes between party supporters. NEC county officials and branches of political parties successfully coordinate events at the local level, although it is not clear whether a resolution has been reached at the national level.

The delegation was encouraged to learn that a security plan for election day is under development by a coordinated effort among UNMIL, UN Civilian Police and the relevant ministries of the Government of Liberia. Two security agents of a coordinated force that

includes the LNP will be posted at each voting precinct to maintain order, with mobile UNMIL troops and approximately 600 Civilian Police on duty throughout the country. These security agencies will be responsible for providing security during the polling and counting.

Despite these optimistic signs, there remains the risk of violence that could disrupt the electoral process. The UN-sponsored disarmament, demobilization, reintegration and rehabilitation (DDRR) process has suffered setbacks and left some ex-combatants frustrated. UNMIL reports indicate that small weapons remain accessible in some areas of the country. In addition, IDPs have threatened to burn their voter registration cards to protest the lack of further support to facilitate their return to their home counties. They are also unhappy with a rumored proposal that they will only be able to cast a presidential ballot if they remain in the camps.

Efforts should be made to inform the public of the nature of the security plan and specifically the roles of the LNP and the coordinated efforts with UNMIL and others. Greater public understanding of these plans for electoral security will encourage electoral participation and may serve as a deterrent to those who might use violence as a political tool.

Recommendations: The international community should make every effort to conclude the DDRR process. The NEC should consider all options to enfranchise as many IDPs as possible. All Liberians should redouble their commitment to peaceful elections, and work to ensure that the remaining weeks of the political campaigns are conducted peacefully. Liberians must refrain from any intimidation or violence during the campaign period, on election day and the days following.

Election Administration

Almost everyone with whom the delegation met expressed general satisfaction with, and were encouraged by, the NEC's administration of the election process so far, especially in the face of severe logistical challenges. In the short time since its formation, the NEC drafted the electoral legal framework, organized a voter registration effort widely accepted as credible, created an environment for peaceful campaigning, issued necessary guidelines to supplement the election law, initiated a massive voter education program, planned training for election officials and produced election materials such as ballots. Nonetheless, the delegation noted a number of specific challenges that will need to be resolved, including the following:

Voter Registration

Some political parties are concerned about the possibility of citizens abusing the replacement registration card process. Fears were expressed that non-registered citizens would be able to obtain registration cards, which would threaten to undermine confidence in the accuracy of the final voter registry.

Recommendation: To dispel concerns about manipulation of this process, NEC should communicate clearly with the political parties and the public to publicize the mechanisms currently in place to protect against such fraud.

Voting Process

For elections to be meaningful, the electorate must understand the importance of the process and each individual's vote. Voter education efforts currently underway to inform citizens about why and where to vote have been successful. Posters and banners have been widely disseminated throughout the country and awareness of the upcoming election is high. However, the delegation shares the concerns expressed to it that citizens remain uninformed about the detailed procedures for election day.

The NEC reports that they have received the sample ballots and other educational materials and are working to distribute them to the county offices. The complex balloting system includes three separate color-coded ballots with photographs of candidates and party logos.

Recommendation: Broad and immediate voter education on this system is essential to ensuring that voters are able to correctly mark their ballots to indicate their choices.

Campaign Finance

Campaign finance regulations developed this year are regarded as a positive development for the evolution of democratic practices in Liberia. These rules are among the most comprehensive worldwide. However, some parties raised complaints about the misuse of state resources and the NEC's silence on the issue, as well as complaints about cumbersome rules for Liberia's circumstances. In addition, allegations were raised to the delegation that foreign funds may be illegally channeled into the campaign.

Recommendation: The NEC must ensure that its regulations are not simply rules and procedures on paper, requiring significant investment of time and energy by candidates, but that campaign finance regulations also are meaningfully and equitably enforced.

Tabulation and Announcement of Results

Parties expressed frustration with the decision to limit the number of tally sheet copies available to party agents who will be stationed at the polling places. In addition, some NEC county offices reported their understanding that domestic observers and party agents will not be permitted to observe the tabulation process, which contradicts procedures outlined by the NEC. Transparent procedures for counting ballots, tabulation of votes and announcement of results have been determined by the NEC in consultation with UNMIL Electoral Division and IFES. However, these procedures evidently are poorly understood by NEC officials at the county level, political parties and the public. While the delegation applauds the NEC for recognizing the importance of observation by party agents and observers, effective action is needed immediately to guarantee to the integrity of this aspect of the electoral process.

When electoral contestants and the public have to wait for long periods for results to be announced, fear of fraud almost always develops. Liberian authorities have suggested that the tabulation and announcement of final official results are likely to be released after 15 days, as allowed by Liberian law. However, they emphasize that vote tallies will be posted at each polling place and county tabulation center and that election results will be announced on a rolling basis beginning the day after the elections.

Recommendations: The NEC and its international partners, as a matter of priority, should

undertake a public education effort concerning the tabulation and announcement of results to quell rumors and build trust in the process. In this respect, the Inter Party Consultative Committee (IPCC) meetings to discuss this and many other topics should be reinstated. These procedures, which will instill confidence in the process, should be explained clearly and repeatedly by the NEC through all media and other means.

Presiding officers should stamp party agents' copies of forms recording ballot tallies to encourage confidence in the results. Agents and observers should be encouraged to accompany the ballot boxes during transport and to observe counting and tabulation processes in sufficient numbers so that they can verify that such procedures were performed properly.

Political Parties

Most of Liberia's political parties have developed around the personalities of key leaders rather than on the basis of policies, issues and party platforms. Party organization is centralized within Monrovia and very few parties have sufficient resources or organizational structures to campaign at the grassroots level. Inaccessibility issues further hamper party branches' ability to communicate with party leaders. Most local party officials are awaiting instructions and resources from the national headquarters about when they should begin their campaign and what strategies they should use to reach out to their supporters. For parties with limited resources, campaigning activities for the Senate and House races revolve around the visit of the standard-bearers. In these circumstances, legislative candidates are dependent upon the presidential aspirants to educate and recruit supporters.

With so many registered political parties participating in the elections and a centralized system with limited resources to disseminate messages, many voters are confused as to the differences among the parties. On the other hand, national and county debates for the presidential and legislative elections have given citizens the opportunity to raise issues in public fora and for candidates to articulate their positions on matters of national interest. Audiotapes are distributed to community radio stations to provide greater access to information in rural areas. These are positive developments.

The "Political Parties' Code of Conduct," which was signed by all of the political parties, is a positive sign of their commitment to uphold a transparent process and refrain from intimidation and violence. This voluntary code of conduct is the first of its kind in Liberia. It indicates parties' willingness to respect the process and demonstrates a commitment to work together peacefully. The delegation was encouraged to learn that although the national code has not been well-publicized, NEC officials and party representatives in at least two counties have agreed, on their own initiative, to locally-written codes of conduct.

Recommendations: Without provisions to allow voters to make informed choices among the electoral contestants, elections are hollow exercises. Expanding candidate debates and encouraging broad participation in them at the national and local levels should be a priority. Efforts should be made by candidates to better communicate their messages to citizens in rural areas. In addition, national parties should increase efforts to communicate with the party branches regarding campaign plans. Party leaders should continue to educate their supporters at

the county and district levels regarding the Code of Conduct.

Electoral Complaint Mechanisms

To ensure that elections take place according to the tight CPA timetable, the NEC has attempted to streamline the complaint process. All complaints must be filed at the NEC county magistrates' offices or with the national headquarters. When a decision is reached by a county magistrate, aggrieved parties have the right to file an appeal with the NEC headquarters in Monrovia. One NEC Commissioner will hear the case and recommend a solution to the full NEC board, who can vote to endorse the recommendation or request the case be brought to the entire commission. Citizens then have the right to file a final appeal to the Supreme Court.

While many Liberians support the NEC's adherence to the timetable set out in the CPA, the delegation noted the absence of clear and well-publicized complaint mechanisms which could lead to a crisis of confidence in the impartiality of the NEC. To date, several aggrieved parties have registered complaints with the Supreme Court following the NEC's ruling on various issues. With a crowded political field and numerous post-war challenges, clearly delineated and well-explained complaint mechanisms are vital to a peaceful and accepted outcome.

Recommendations: The delegation encourages the NEC to outline the methodology used for decision-making to build public confidence in the impartiality of the electoral complaint process. A timeline should be established with specific deadlines for the filing of complaints to ensure that the dispute resolution mechanisms are not used to disrupt the electoral process. Sufficient resources should be devoted to ensure impartial and expeditious resolution of electoral complaints consistent with due process requirements and equality before the law.

IV. CONTACT INFORMATION

For further information, please contact: in Monrovia, Sidi Diawara at +231 06 561 657 and Ashley Barr at +231 06 452 022; in Atlanta, Jon Moor at +1 404 420 5107; in Washington, Jean Freedberg at +1 202 728 5527.