



THE CARTER CENTER



**PRELIMINARY STATEMENT OF THE NDI / CARTER CENTER
INTERNATIONAL OBSERVER DELEGATION TO THE
LIBERIAN PRESIDENTIAL RUNOFF ELECTION**

Monrovia, November 10, 2005

This statement is offered by the 28-member multinational delegation jointly organized by NDI and The Carter Center. The delegation was co-led by His Excellency Dr. Alex Ekwueme, former Vice-President of the Republic of Nigeria; Dr. Christopher Fomunyoh, NDI's Senior Associate for Africa; and Dr. David Carroll, Director of the Democracy Program at The Carter Center. The delegation included elected officials, electoral and human rights experts, regional specialists and political and civic leaders from Africa, Europe and North America.

The purposes of the delegation were to demonstrate international support for Liberia's democratic process and to provide Liberians and the international community with an impartial and accurate assessment of the electoral process and the political environment surrounding it. The delegation conducted its activities in accordance with Liberian law and the Comprehensive Peace Agreement (CPA), as well as the *Declaration of Principles for International Election Observation*. NDI and The Carter Center recognize that ultimately it is the people of Liberia who will determine the credibility of the election process and do not seek to interfere in the process.

The delegation stresses that the tabulation of results is still underway and that this is a preliminary statement. It should be viewed in the context of earlier statements on the October 11 elections and the lead up to it. Further statements may be released and a final report will follow after the election process is completed. All reports concerning the Liberian election process can be found at either www.ndi.org or www.cartercenter.org.

NDI and The Carter Center commend all Liberians who participated in this historic process to move forward after years of conflict, corruption and autocratic rule. Liberians across the country expressed to observers their strong desire for peace and reconciliation, and their commitment to the democratic process as the means of choosing their leaders. We hope that those who will take office once the official results are certified, as well as those who contested unsuccessfully, will recognize that all Liberians have an important role to play in their country's political and democratic future, and that they will work collectively to lead the country to national reconciliation and sustainable democracy.

For the electoral process to be meaningful over the long-term, Liberia's new leaders must demonstrate that they have the country at heart. This means they must practice integrity, manage the nation's resources for the good of the country as a whole, and make a special effort to provide opportunities for and respond to the needs of youth.

I. ELECTION DAY OBSERVATION

A. Positive Aspects of the Election Day Process

On the whole, election day went peacefully and smoothly, with short lines at most polling places. The National Elections Commission (NEC) is to be commended for their efforts to address many of the administrative and procedural problems noted by observers on October 11. Specific observations include:

Voter Turnout. As they did for the first round, large numbers of Liberian voters went to the polls on November 8. As of today, the NEC estimates voter turnout at slightly more than 60 percent. Simpler ballot procedures meant that voting proceeded more rapidly.

Peaceful Conduct. Overall, election day was calm and peaceful with few reported incidents of violence. Security on election day was enhanced by the deployment of larger numbers of Liberian National Police (LNP) and immigration officials, and United Nations Mission in Liberia (UNMIL) civilian police and peacekeeping elements, particularly to precincts that had experienced crowd control problems or other security incidents during the first election round on October 11.

More Efficient Election Administration. Efforts were made by both NEC and UNMIL to correct procedural errors and other irregularities observed in the first round, notably in the area of assisted voting. Presiding officers were instructed not to assist voters, who were required to bring with them a family member or a friend to help them cast their vote. These instructions appeared to have been routinely followed, and in any case, the simpler ballot meant that far fewer voters required assistance. Efforts were also made to improve queue control, especially in polling precincts with multiple polling places where voter confusion over where to vote delayed polling on October 11. The reconciliation and counting process was simplified by the consolidation of the presiding officer's worksheet and record of the count into one form. At polling precincts and tabulation centers, most NEC staff appeared to understand procedures more fully than on October 11, although one or two exceptions were observed. Their level of professionalism and increased competence contributed to a much smoother and more efficient voting process.

Party Representatives and Domestic Election Observers. Both Congress for Democratic Change (CDC) and Unity Party (UP) representatives were present in nearly all polling places visited by NDI/TCC observers, and actively monitored all election day activities. In some cases, observers met representatives from supporters of parties that had lost in the first round. Although there appeared to be fewer domestic election observers for the second round, commendable efforts were made to recruit and train hundreds of observers, including a significant number of physically disabled individuals.

Tabulation. At many tabulation centers observed by delegation members, the process was smoother and quicker than for the first round. However, there were some cases where procedures did not appear to be followed appropriately.

B. Problems and Irregularities

While the NDI/Carter Center overall assessment is generally positive, the delegation noted the following problems and irregularities:

Inconsistencies in Polling Place Administration. The delegation noted: voting by some polling staff before the polls opened rather than at the end of the day as stipulated in the revised election procedures; the procedure for reconciling ballots at the end of the day was not followed in a few instances; numbers of ballots received were not always registered on the presiding officer's combined worksheet and record of the count at the beginning of polling as required; and a lack of clarity over the number of party representatives allowed to observe the process in each polling place. In addition, observers were informed that larger sample ballots posted in ballot booths were in some instances marked indicating the choice of a candidate, though when polling officials were informed these ballots were immediately removed.

Polling Staff Remuneration. The delegation reported several instances where polling staff informed us they had not received their five dollars' daily allowance for the October 11 elections, or on November 8. In several cases, polling workers delayed the opening of the polls in protest. In one instance, the observers were told that disappearance of allocated funds led to the arrest of a Liberian UNMIL staff member who has been charged with misappropriation of funds.

II. RECOMMENDATIONS

To demonstrate its support for Liberians' self-proclaimed desire for peaceful and democratic rule, and in the spirit of international cooperation, the delegation offers the following recommendations:

- Liberians should allow the election process to continue in an orderly fashion, and should refrain from prejudging the outcome of this historic election. We urge restraint by political parties, election officials and party supporters during this critical period between voting and the determination of final results by the NEC.
- Upon conclusion of the electoral process, including the resolution of complaints that may be lodged, it is hoped that the winner of this highly competitive race will reach out to the unsuccessful candidates, and remind partisans on all sides that in the fragile post-conflict context he or she intends to represent the interests of all Liberians. At the same time, we hope that the unsuccessful candidate will accept the will of the Liberian people expressed through the ballot box, and appeal for calm and acceptance by his or her supporters.
- The NEC should ensure that all election disputes are handled expeditiously upon submission of complaints, and in an impartial manner according to Liberian law and within the context of the CPA. The complaint process could be improved to provide for a more transparent process. For example, the times and locations of future hearings should be clearly communicated to all accredited parties and observers, with documentation readily available. Rulings should be announced as quickly as possible, with immediate redress and effective remedies provided as appropriate.
- Both the UP and the CDC should respect and abide by the procedures established under Liberian law and within the context of the CPA for the resolution of electoral disputes, and continue to instruct their party members and supporters to do the same and to refrain from

violence. Both parties should refrain from inflammatory rhetoric or premature celebrations. Liberia faces daunting challenges. They can only be addressed by Liberians, regardless of political affiliation, working together for a better Liberia for all.

- The media should provide accurate and balanced reporting on the electoral process, and should refrain from publicizing information in ways that could be inflammatory or that may provoke violence.
- The delegation commends Liberian youth and women for their active participation in these transitional elections, and encourages them to remain engaged in the democratic process as an opportunity to make their voices heard. In particular, the delegation notes efforts by the NEC and some political parties to include women as polling officials, candidates and party representatives and hopes such efforts will continue in future elections.
- Both UNMIL and the LNP should remain vigilant during and after the potentially volatile period between the election and the official announcement of results and, in their efforts to maintain peace and order, should be careful not to overreact or use excessive force.
- UNMIL provided substantial technical, operational and logistical support to the NEC that increased the NEC's capacity to conduct these elections. The delegation hopes that steps will be taken to further transfer skills and technological infrastructure to Liberians in a sustainable manner to ensure that future elections can be conducted credibly by Liberians themselves.
- The international community should continue to closely monitor the announcement of results and the adjudication of complaints. The international community should increase its support to Liberia in the medium to longer term to help consolidate nascent democratic institutions and practices.

III. ELECTORAL CONTEXT

Since October 2003, Liberia has been governed by the CPA. Negotiated by the parties to Liberia's conflict, as well as political party representatives and civil society leaders, the CPA established the National Transitional Government of Liberia (NTGL) to implement its provisions and to hold elections at the conclusion of the two-year transition period in October 2005. While the CPA brought an end to the war, transitional leaders ultimately did little to address its root causes. As a consequence, the campaign brought many unresolved issues into focus, particularly in the increasingly tense period before the November 8 run-off election.

Competition for political office at all levels exposed longstanding differences between Liberia's educated elites and the impoverished majority, gender divisions exacerbated by the high incidence of rape and mistreatment of women and girls during the war, the generational divide between elders and a burgeoning young population with limited access to education, employment and land resources, and conflict over the control of revenues derived from Liberia's natural resources.

Both publicly and privately, Liberians have stressed the importance of this election to long-term peace, reconciliation and development. Expectations that Liberia's newly elected government will improve the lives of citizens are high. Endemic corruption and the lack of governance systems in place to ensure transparency and accountability will be among the greatest challenges. In recognition of this challenge, the Governance and Economic Management

Assistance Program (GEMAP), developed by the international donor community in coordination with the transitional government, is intended to place international financial experts in key revenue generating agencies to provide more robust oversight, and in some cases, to control Liberia's public finances.

A. First Round Election Observations and Recommendations

On October 11, Liberians began queuing as early as 2:00 am in advance of the scheduled 8:00 am poll opening. With an impressive 75 percent voter turnout, hundreds of polling officials worked throughout the day and into the night. Political party representatives were present in the majority of polling places and worked cooperatively to ensure a peaceful process, though the delegation noted that many representatives were not well-versed on either the process itself or their specific responsibilities. Approximately 1500 domestic election monitors were deployed to monitor the election in Liberia's fifteen counties and played a constructive and nonpartisan role throughout the process. UNMIL and Liberian security officials were on duty at almost every polling place and contributed to a peaceful election day.

A significant number of voters across the country were confused by the voting process, especially by the large number of candidates on the presidential ballot and last-minute revisions to the procedure for the senatorial ballot. The majority of these voters turned to polling staff for assistance and in many cases were assisted in the ballot booth by presiding officers who, in some cases, were later accused of providing unnecessary or partisan assistance. Although permitted under election guidelines, presiding officers in many polling places were put in positions of considerable influence over the voters they were called upon to assist, and concerns were raised over the protection of the secrecy of the ballot.

None of the 22 candidates in the presidential race garnered the absolute majority of "50 percent plus one" valid votes required to win the race. The top two vote-getters, George Weah of the CDC and the UP's Ellen Johnson Sirleaf, won 28.3 and 19.8 percent, respectively. The NEC declared official presidential, House and Senate results on October 26, with one Senate seat in Gbarpolu County still in dispute because of allegedly altered polling place tally sheets. Neither the UP nor the CDC gained majorities in either chamber, though the CDC gained 15 of 64 seats in the House, more than any other party.

B. Complaints and Appeal Process

Following the first round, 41 electoral complaints and letters were submitted to the NEC. Rulings are pending in eight of the consolidated 30 hearings held from October 24-31. Hearings on complaints were open to accredited observers, but information about them was not widely disseminated, and procedures for notifying candidates caused some parties to miss their appointments. Many of the complaints were based on misunderstandings of election procedures or law, and some were, according to the NEC adjudicator, more appropriate for complainants to bring to the criminal justice system. Overall, the adjudication procedures left some complainants feeling that their cases were not resolved satisfactorily.

The delegation is aware of concerns raised by the CDC in the form of a written complaint to the NEC over alleged irregularities during the November 8 runoff.

C. Voter Education

Voter education messages in the lead-up to the runoff focused on providing voters with basic information needed to participate effectively in the election, including notification of the

date for the runoff, voting locations, the requirement for presentation of voter registration cards. Messages also instructed voters of their right to participate in the second round even if their first round candidate of choice was no longer in the race, and encouraged them to do so. UNMIL and NEC distributed posters, flyers and stickers around the country with these messages, and utilized radio to disseminate and repeat them. Because the reason for and importance of participating in the run-off election was poorly understood by large segments of the population, Liberian civic and community based organizations used radio, town meetings and focus group discussions to explain its importance in bringing the transition process to an end.

D. The Campaign

During the run-off period, the campaigns of both candidates were peaceful and largely free of incident. For example, the focus on addressing the marginalization of many young Liberians was commendable, as was the emphasis on competency, integrity and the delivery of promised services to the Liberian population. Political intimidation, a feature of past elections, was not apparent, though a number of isolated incidents were reported. Campaign efforts by both camps were focused on the more contested and populous counties of Nimba, Lofa, Grand Bassa and Bong, as well as Montserrado County, with approximately one-third of the voting population resides. Partisans sought supporters from the twenty candidates who lost in the first round and campaigned “door-to-door” for the second round.

As the campaign drew to a close, a number of civic and community-based organizations became more partisan, as did several transitional government figures and media outlets. Some of the political rhetoric became potentially inflammatory in the final days of the campaign period, raising concerns of election-related violence. However, political party supporters demonstrated admirable self-control at mass rallies in the final days of campaigning.

E. Media Coverage and Public Pronouncements

The Press Union of Liberia (PUL) developed a code of conduct for elections that was largely respected by Liberia’s print and electronic media through the first round of voting. In the days between the two rounds, however, coverage by a number of media outlets grew increasingly partisan and potentially inflammatory. In response, the PUL suspended one newspaper editor and reprimanded several radio outlets. Representatives of the international community, including the United Nations Special Representative of the Secretary-General (UN SRSG), cautioned the media to continue to provide responsible coverage of the election.

UNMIL radio played a significant role in disseminating country-wide civic and voter education messages in a balanced and nonpartisan way. Both candidates recorded messages that called on their supporters to campaign peaceably and accept the outcome of the election. Several of the candidates that lost in the first round recorded messages encouraging their supporters to turn out and vote.

Regrettably, public statements by some political leaders and their supporters that called into question the declared results of the first round contributed to an atmosphere of distrust and suspicion. At the same time, the intemperate and potentially detrimental response by the NEC was unhelpful.

IV. THE DELEGATION AND ITS WORK

The delegation arrived in Monrovia on Friday, November 4, and held a series of meetings with NTGL Chairman Gyude Bryant, NEC Chair Frances Johnson-Morris, UN SRSG Alan Doss and other representatives of UNMIL, senior representatives and leaders from political parties who contested the October 11 elections, civic leaders and representatives of the international community. The delegation also cooperated closely with the leadership of other international election observer delegations, including the European Union, the International Republican Institute (IRI), the Economic Community of West African States (ECOWAS) and the African Union.

On November 6, delegation members were deployed to the following nine counties: Bomi, Bong, Grand Bassa, Grand Gedeh, Lofa, Margibi, Maryland, Montserrado and Nimba. The meetings conducted in Monrovia were replicated at the local level by our teams. On election day, the teams observed the voting and counting process in more than 80 voting precincts and at 8 tabulation centers. Following the elections, the delegation members returned to Monrovia to share their findings and prepare this statement.

In preparation for both the October 11 and November 8 elections, NDI and The Carter Center conducted a pre-election assessment mission in September 2005 and participated in the May 2005 IRI pre-election delegation. Both organizations have maintained a continual election monitoring presence in Liberia with resident staff and long-term observers. The joint election observation mission is supported by a grant from USAID with additional support to The Carter Center from the Government of Ireland.