



STATEMENT OF THE NDI PRE-ELECTION ASSESSMENT MISSION TO LIBERIA'S 2017 PRESIDENTIAL AND LEGISLATIVE ELECTIONS

February 20 - 24, 2017

The National Democratic Institute (NDI) deployed an international delegation to Liberia from February 20 - 24, 2017. The purpose of the mission was to assess preparations for Liberia's October 2017 elections, including the ongoing voter registration process, and to support Liberia's efforts to conduct peaceful, credible polls. This mission is the first activity in NDI's comprehensive international election observation. In the coming months, NDI, in partnership with the West African Election Observation Network (WAEON) and the Ghana Center for Democratic Development (CDD-Ghana), will deploy analysts and long-term observers. NDI will deploy a second pre-election observation mission during the campaign period and an international election day observation mission.

NDI's delegation includes regional and election experts from Africa, Europe, and North America: Ms. Robin Carnahan, Former Secretary of State of Missouri, and Member of the Board of Directors, NDI (United States); Commissioner Terry Tselane, Vice Chairperson, Electoral Commission (South Africa); Christopher Fomunyoh, Regional Director, NDI (Cameroon); Alessandro Parziale, Observation Mission Director, NDI (Germany/Italy); and Michael McNulty, Senior Program Manager, NDI (United States). The delegation conducted its activities in accordance with the laws of Liberia and the *Declaration of Principles for International Election Observation*, which was launched in 2005 at the United Nations.¹

The delegation met with: the Chairman and Commissioners of the National Elections Commission (NEC); potential candidates and political party leaders; government officials; civil society leaders, including citizen election observers; women political leaders; justices of the Supreme Court; elder statespersons; journalists; security officials; and representatives of the international community. The delegation also visited some voter registration centers and met with President Ellen Johnson Sirleaf. The delegation is deeply grateful to all those with whom it met and who shared their views generously. The delegation also expresses its appreciation to the United States Agency for International Development (USAID) for funding this delegation and supporting NDI's democracy assistance programs in Liberia.

SUMMARY

Liberia's October 2017 elections have the opportunity to be a historic moment for the country -- the first peaceful transfer of power from one elected president to another since 1944. The country is on the cusp of consolidating democratic gains since the 2003 political transition, following years of devastating conflict. Successful polls would also continue a positive trend towards democratic elections and peaceful transitions of power in West Africa. The delegation is encouraged that Liberians recognize this historic opportunity to take full ownership of their electoral process. All Liberians with whom the delegation met expressed a

¹ The Declaration is available at www.ndi.org/DoP.

resolute commitment to nonviolence and peaceful elections. In addition, they expressed general confidence in the NEC's commitment to running credible elections.

The polls are being prepared as the country faces developmental challenges, such as poor infrastructure, particularly in rural areas, the lack of a national identification system, and difficult macroeconomic trends. Dissatisfaction with some elected officials and government service delivery may affect voter enthusiasm.² Moreover, lingering grievances persist from previous election-related disputes. Against this backdrop, the NEC and security services may face challenges in effectively carrying out their responsibilities in light of diminished international assistance.

The voter registration process is the first phase and the foundation upon which credible elections are built. It is also voters' first impression of the 2017 electoral process and is likely to influence how they ultimately view the legitimacy of the outcome. Liberians with whom the delegation spoke noted logistical and technical glitches in some locations that slowed or delayed the registration process, for example cameras not functioning, late openings and early closings, and poorly trained staff. This may have negatively impacted citizens' efforts to register. However, credible citizen observers noted during the delegation's visit that these problems do not appear to be widespread and that registration centers are generally open and functioning across the country. There do not appear to be systematic attempts to undermine the integrity of the voter registration process.

The degree of success of Liberia's voter registration process is dependent, amongst other things, on the quality of voter education. Unfortunately, the NEC's voter education campaign was not initiated on time. This hindered civil society's ability to educate voters. Efforts should now be accelerated to ensure maximum participation during the final days of the registration period.

The delegation notes that the October 2017 elections will be conducted within an open political environment. The NEC is regarded by most electoral stakeholders as an independent and impartial institution. The NEC and other state bodies demonstrate genuine political will to hold elections that reflect the will of the people. Platforms for inter-party dialogue, as well as for party engagement with the NEC and other stakeholders, are being utilized and should be enhanced. Barriers to participation for youth and women still exist, but there are unique opportunities in 2017 for more inclusive elections.

The delegation offers detailed recommendations further below and, in the short-term, urges:

- All eligible voters to register by March 7.
- The NEC, civil society, political parties and media to expand voter education, particularly focusing on rural areas, women, and first-time voters. Voter education should be delivered in the major dialects.
- The NEC to engage in more proactive, timely, and accurate public communication about its work.
- Political parties to continue to actively encourage all party members and supporters to register to vote.
- The media to promote responsible, objective and issue-oriented election reporting.

² NDI's July 2016 focus group research.

DELEGATION FINDINGS

Voter Registration

Voter Registration Center Operation

Voter registration commenced on February 1 and will end on March 7, 2017 in 2,080 registration centers across the country. Reports from the nationwide observation effort conducted by the Elections Coordinating Committee (ECC) and other stakeholders indicate that, with a few exceptions, centers are open and functioning across the country.³ The dedication and commitment of thousands of voter registration staff should be acknowledged. According to observers, there have not been systematic attempts to undermine the integrity of the voter registration process.

However, several problems have arisen that, while not widespread, may have affected some prospective voters' ability to register. During the initial days of registration, some cameras were not functioning, as reported by the ECC, the NEC, and the media. The NEC, along with the United Nations Development Program (UNDP), took action to fix the malfunctioning cameras. The ECC also reported that some stations opened late and a few did not open when observed.⁴ Some stakeholders noted that, in some cases, registration officials are not well-trained, have difficulty operating the equipment, and have made spelling errors filling out forms and ID cards. They also noted delays due to paper on which photos are printed, since four photos must be taken before the paper can be printed. Thus, voters have to wait until three others come to register before they can receive their voter card. More recent reports from stakeholders interviewed by the delegation indicate that the process is running more smoothly as the registration period progresses.

Several stakeholders, including the ECC, reported that registration officials face difficulties determining the eligibility of certain prospective voters, as many voters lack official identification. According to some stakeholders, eligibility is primarily being checked when registration officials suspect individuals are underage or not Liberian citizens. Some noted that this eligibility verification has been applied inconsistently.

The NEC's addition of 300 new registration centers is a positive step toward improving access for voters. However, several stakeholders noted that, in rural areas, some voters still have to walk for several hours to registration centers. Since registration centers are intended to be polling centers, traveling long distances to vote will become even more difficult, as election day is during the rainy season.

Registration Rates

The NEC set an ambitious goal of registering 2.5 million voters. It is collecting registration forms from centers each week and is processing the forms in Monrovia. The NEC has also deployed monitoring teams to collect summarized information from some centers. These methods, however, do not appear to provide the NEC with up-to-date information. While there is still time in the registration period, the NEC should make it a priority to release voting center-level, gender disaggregated preliminary registration data to the public. This would build confidence and would help the NEC enhance their planning, as well as civil society organizations (CSOs) and parties to better target voter education efforts in areas with lower registration rates.

³ ECC Voter Registration Update #2, February 9, 2017.

⁴ ECC Voter Registration Update #2, February 9, 2017.

Registration of Women

Several stakeholders, including CSOs and women political aspirants, noted the particular barriers facing women who seek to register. The delegation heard reports that many women have found it difficult to visit registration centers during the opening times. These constraints also apply to workers, who reportedly are not always able to receive permission to leave work to register. Women made up 49 percent of the voters list in 2011 and 48 percent of the list in 2014.

Access for Persons with Disabilities (PWDs)

The 2014 election law requires that the NEC, to the extent practical, should ensure that registration and voting centers are accessible to persons with disabilities. While there is not a comprehensive, independent audit to ensure these provisions are met, there are some initial findings by citizen monitors regarding a few indicators of accessibility. The ECC has noted that, in nearly all stations observed, PWDs, elderly, and pregnant women were allowed to register first, although some of the centers required voters to walk up or down stairs.⁵ In rural areas, reports are that persons with certain disabilities find it extremely difficult to travel long distances to registration centers.

Registration of Youth

Observers have also raised concerns about the NEC's interpretation of the age requirement for registration. The NEC has interpreted the Constitution⁶ to mean that voters must be 18 years old on the date on which they register. CSOs and other stakeholders have expressed concern that large numbers of young people who turn 18 years old during the seven months *after* registration but *before* election day will be disenfranchised.

Transportation of Potential Voters across Constituency Boundaries

Stakeholders repeatedly expressed concern about illegal "trucking of voters," which, in Liberia, refers to the practice of transporting voters from outside a constituency or the country to register and vote in a place they do not ordinarily reside. Related to this concern, the 2014 election law requires voters to register where they "ordinarily reside". Some stakeholders, including CSOs and media representatives, noted ambiguity about whether this is meant to apply *only* to situations where voters are transported with the intention of influencing election results; or whether it also applies when, for example, voters travel from the location where they currently reside to register in their hometown. In addition, neither the electoral law nor the NEC's voter registration regulations indicate how the registration staff should determine where a voter ordinarily resides. Since many citizens do not have official identification or proof of residence, observers have noted that enforcing the provision effectively and consistently is difficult.

While there have been many anecdotal reports of "trucking", the delegation did not learn of credible evidence that this problem was widespread or systematic. Whether grounded in evidence or not, the perception that "trucking" is common practice fosters cynicism and, if real, could affect the integrity of the electoral process. Those concerned about this practice, including political parties, should take the opportunity to check the details of every registered voter at their registration centers during the voters list exhibition period, currently scheduled for June 12 – 17, 2017.

⁵ ECC Voter Registration Update #2, February 9, 2017.

⁶ Article 77(b) b

Voter Education

The NEC has launched a national voter education campaign. However, some aspects of voter education have not yet met expectations. The NEC launched its campaign on December 20, 2016. However, some stakeholders raised concerns that voter education started late and has not reached many areas, particularly rural communities. There is also concern that contradicting information has been provided on when registration centers close.

CSOs have conducted voter education campaigns as well. Those efforts should be amplified. Notably, some of these efforts have gone beyond providing basic voter information to raise awareness about why registration and voting are important to voters in their daily lives. CSOs, however, have faced obstacles that have hindered their effectiveness, including lack of timely voter education materials

Some CSOs and political parties with whom the delegation met raised concern that voters -- particularly in rural areas -- may not be sufficiently informed and encouraged to participate in the voter registration exercise. To address this, several stakeholders noted that some mediums for voter education could be further explored, including community radio and respected, impartial local religious leaders. This also provides an important lesson for the upcoming campaign period that voter education efforts should be planned, supported, and implemented early, and should be targeted in a more strategic manner to ensure marginalized populations are more effectively reached.

Public Communication

Several stakeholders noted that the NEC has not provided the public with timely and accurate communication about its work, nor has it always responded effectively and publicly when concerns are raised. Communicating in a timely manner helps enhance public confidence in the electoral process and avoids misperceptions among voters.

Other Aspects of Election Administration

Capacity and Funding

The NEC is regarded by most electoral stakeholders as an independent and impartial institution. It also demonstrates genuine political will to hold credible elections. The NEC will administer the 2017 elections with significantly less international support than previous elections, when it received substantial financial, logistics and security assistance from the international community, including UNMIL. This new context provides the NEC and other Liberian institutions with the opportunity to take full ownership of conducting their polls. Liberians with whom we met expressed confidence in the NEC's commitment to running credible elections. However, questions were raised about the capacity and logistical challenges that will arise during the election process. Particular attention should be paid to logistical planning, procurement, the recruitment and training of staff and pollworkers, and data management.

The NEC, various government bodies, and members of the international community highlighted several challenges regarding funding for elections, including delays in disbursements. Funding delays and shortages, as well as delays in requesting and justifying budgets, could cause setbacks in core functions that help ensure the success of elections. To avoid unnecessary delays, the NEC and its partners should reach a common understanding about efficient, transparent and accountable management of funds through enhanced coordination and communication.

Lofa By-elections

On February 28, the NEC will conduct a by-election to fill the representative seat in Lofa #1 electoral district, following the death of the former occupant. The by-election winner will serve the remainder of the current mandate and will face re-election in October. The NEC will use the 2014 voters list for the election, but there is some concern that this has not been adequately conveyed to voters, and that there could be confusion due to the ongoing voter registration process. NDI will send an assessment team to observe polling stations in Lofa county. The findings will be integrated into the Institute's overall 2017 observation effort.

Campaign Finance

Liberia lacks effective regulation of campaign finance. The NEC has not consistently and thoroughly audited the documentation submitted by parties and candidates. On the other hand, only a few parties complied with Article 83 (d) of the Constitution requiring them to publish and submit detailed financial statements as indicated in an ECC October 2016 press release.⁷ To date, the NEC has not taken enforcement action against parties that failed to comply.

Electoral Dispute Resolution

The delegation learned that plans are in place to provide effective resolution of electoral disputes should they arise. Liberian authorities have learned from past difficulties in adjudicating electoral complaints experienced in 2011 and 2014. The delegation found that both the Supreme Court and the NEC are sensitized to the need for mechanisms to expeditiously review disputes at all levels.

Political Parties

The party landscape in Liberia is highly fluid. The field of potential presidential candidates is wide open. Should all 22 political parties field presidential candidates, it is possible that no single party will surpass 50 percent of the vote in the first round and avoid a run-off. Most political parties with which the delegation met have organized or plan to organize different types of primaries to select presidential and legislative candidates. In most cases, this involves a relatively small number of delegates selecting candidates. Unfortunately, not all parties seem to have extensive plans for "endeavoring to ensure" that at least 30 percent representation of each gender on their candidate lists and governing bodies, as stipulated in the 2014 election law.

The delegation was encouraged to hear from several parties that they have deployed party agents to witness the voter registration process and plan to train and deploy party agents on a larger scale for election day. Deploying party agents across the country would be a confidence building measure and would help mitigate tension.

Party Code of Conduct and IPCC

Political party, government officials, and CSOs raised the importance of improving inter-party dialogue, as well as regular interaction between the parties and the NEC. The Inter-party Consultative Committee (IPCC) provides a forum for the NEC to engage with parties, inform them about the electoral process, and solicit feedback. While it holds great potential, several political party representatives told the delegation that the IPCC is not being utilized effectively, asserting that the NEC has used the IPCC as an information-sharing platform

⁷ "ECC Calls on Legislature to Set New Threshold for 2017 Elections."

rather than an opportunity for promoting genuine, two-way dialogue. IPCC meetings have been held infrequently and, in some cases, with little notice for parties. In September 2016, IPCC members signed a pledge committing political parties to peaceful elections. One notable, complementary effort is the initiative led by Dr. Amos Sawyer, head of the Governance Commission, to organize a national political dialogue on elections, at which presidential candidates would publically commit to peaceful polls.

Campaigning before the Official Campaign Period

Campaigning is legally permitted only during the official campaign period from July 29 - October 8, 2017. The NEC has repeatedly issued stern warnings to political parties and potential candidates about early campaigning. Parties have not been fully compliant, and the NEC has not yet enforced the provision. If the ban on early campaigning is to be enforced, the NEC should ensure that all registered parties are still able to conduct essential organizing activities prior to July 29 without fear of being deregistered or fined. Such activities would include encouraging supporters to register to vote and canvassing for votes in party primaries.

Electoral Security

Contrary to past experiences of violence around elections, parties expressed to the delegation that they would accept elections if held credibly. This is a welcome sign that they appreciate the stakes surrounding these historic polls. Nevertheless, a number of Liberians with whom the delegation met are still fearful that some of the potential triggers of violence from past elections remain.⁸

There have been notable efforts in recent years to bolster the risk-based assessments, planning, training and capacity of the Liberian National Police (LNP) and its joint security services. The delegation is encouraged that the LNP has committed itself to ensure professionalism and impartiality in its conduct and to draw on lessons from past elections, including greatly strengthening training and resources on effective, peaceful methods of crowd control. Some stakeholders, though, expressed concerns about whether the country's overall security apparatus has the necessary human and logistical resources, equipment, skills and funding to effectively respond to violence.

Coordination between the NEC and LNP has improved and is taking place on a frequent basis, including through weekly meetings and regular Inter-agency Consultative Forum on Electoral Security (ICFES) meetings. This coordination will need to be increased and deepened in the months leading up to election day. It will also be important for the LNP to continue expanding its community policing efforts and its engagement with other stakeholders, including CSOs, the media, and citizens.

Women's Participation

Women continue to play an active role in the promotion of peace and the consolidation of democracy in Liberia; however, many of them still face significant challenges as voters, candidates, and pollworkers. Lower literacy rates and cultural and financial barriers inhibit disproportionately their ability to access information about the election process and avenues for political participation. The 2017 elections provide an opportunity to increase the share of elected women representatives. The 2014 election law stipulates that political parties "should endeavor to ensure that the governing body and its list of candidates has no less than 30% of

⁸ *Electoral Security Assessment: Liberia*. USAID, August 2016.

its members from each gender... and should endeavor to have no less than 30% of the candidates on the list from each gender.”⁹ However, some of the political parties with which the delegation met did not have extensive plans to fully implement this provision. Women aspirants expressed to the delegation that they have not heard parties discuss this provision, nor has the NEC clarified how it will be enforced. The opaque nomination process and limited avenues for women to rise through political party ranks remain significant barriers to obtaining party nominations.

Youth Participation

Liberian youth have the opportunity to play a significant and positive role in the electoral process. In past elections, parties and candidates have, at times, mobilized youth as protesters and instigators of violence, rather than as activists, candidates, and voters. However, NDI’s July 2016 focus group research found that youth, particular youth activists, are aware that they gain little from participating in violence orchestrated by politicians. Instead, they expressed a desire to enhance their voice in the political process. The delegation noted the active engagement of youth in CSO voter education activities. In the coming months, it is also important for political parties to constructively engage youth in campaigns and as party pollwatchers.

Media

Political parties, CSOs and other stakeholders interviewed by the delegation noted that Liberia enjoys freedom of the press and speech. However, concerns remain that some media actors exaggerate and sensationalize stories. Citizens’ increasing access to social media could encourage positive participation, particularly among young people in urban areas; however, if used to disseminate misinformation and rumors, social media can increase the potentials for violence. It is laudable that the NEC and the Press Union of Liberia (PUL) are developing a media code of conduct that would foster responsible and accurate reporting.

Nonpartisan Citizen Election Observation

Several citizen observation efforts are planned for 2017. For example, the Elections Coordinating Committee (ECC) is a well-known and respected non-partisan citizen election monitoring coalition with a nationwide network. The ECC, in part with support from NDI through a USAID grant, is systematically monitoring the voter registration, pre-election, election day, and post-election periods. The ECC has played an important role in providing timely assessments of the 2017 voter registration process. In addition, the Women’s Situation Room and religious-based organizations, among others, are monitoring the process. In recent years, citizen election observation has played an important role in providing the Liberian public with an independent, impartial assessment of the electoral process, as well as in preventing misconduct.

RECOMMENDATIONS

In the spirit of international solidarity with the Liberian people, the delegation offers the following recommendations to various stakeholders on steps that can be taken in the pre-election period to enhance confidence in the overall electoral process and foster peaceful, credible polls in October 2017. NDI’s international election observation mission will monitor

⁹ Articles 4.5 (1b) and (1c) of the New Elections Law, 2015.

these recommendations and will issue additional statements at key points in the process.

National Election Commission

For the voter registration process, the NEC should:

- Intensify voter education during the remaining days of voter registration, with a particular emphasis on outreach to rural communities, women and youth.
- Actively expand opportunities for reaching voters by engaging more community radio stations and local, impartial community and religious leaders.
- Ensure voter education is provided in major local dialects.
- Publicly provide registration center-level preliminary data on the number of individuals registered, disaggregated by gender. This should be provided while there is still time in the registration period for CSOs and the media to use the data to better target voter education efforts.
- When available, provide the complete, preliminary voters list in machine-readable format to political parties and credible citizen observer groups.

In the coming months, the NEC should:

- Intensify planning and logistical preparations for election day.
- Engage in more proactive, timely, and accurate public communication about its work, and strengthen the capacity to anticipate and rapidly respond to problems that may arise.
- Hold frequent and regular IPCC meetings, and enable an environment for substantive, two-way dialogue with political parties.
- Develop and disseminate clear and precise guidelines on the 30 percent gender provision in the 2014 election law.
- Audit political party financial reports and enforce requirements that parties and candidates submit and publish detailed financial reports.
- Enhance ongoing coordination with the LNP to identify and address remaining logistical and security gaps.
- Work with the judiciary to raise awareness amongst political parties and candidates on the complaints process.
- Explore the possibility of recruiting, training and deploying students from universities and community colleges in the counties as pollworkers to enhance efficiency in the administration of the polls.

State Institutions and Security Services

- Prioritize and expedite funding of electoral operations and security. Relevant ministries and the NEC should actively engage in securing funds in a timely manner, so that electoral and security preparations are not delayed.
- Enhance ongoing coordination and cooperation with the NEC to ensure effective security planning and protocols.
- Expand and publicize election violence mitigation efforts as a means of enhancing citizen confidence with regards to election security.

Political Parties

- Reaffirm a commitment to peaceful, credible elections, and update the code of conduct signed in 2011.
- Urge all supporters and party members to register to vote.
- Recruit and train in advance party agents for the October polls. Party agents should be

well-trained on collecting evidence and filing official complaints, if needed, to encourage legal and peaceful means of resolving disputes and complaints. Prioritize the engagement of women, youth and other marginalized groups in these activities.

- Participate actively in the IPCC with senior-level involvement. Ensure that discussions at IPCC meetings are shared with party members.
- Make genuine efforts to ensure that at least 30 percent of candidates on party lists are from each gender, as outlined in the 2014 election law.
- Submit and publish detailed financial reports on contributions and expenses.

Civil Society

- Intensify civic and voter education regarding the registration process, particularly among women and rural communities, and in local dialects.
- Engage other Liberian actors in voter education, such as impartial community and religious leaders.
- Integrate into systematic pre-election observation data collection on triggers of electoral violence.
- Monitor and report regularly on political party compliance with the 30 percent gender requirement and the party code of conduct.

Media

- Intensify efforts to educate voters about voter registration and the electoral process more broadly.
- Promote responsible, objective, and issue-oriented election reporting, and refrain from using inflammatory language and disseminating misinformation. Social media users should be responsible and respectful in their interactions.

Voters

- Register by March 7 to secure the right vote in the October 10, 2017 elections.
- Verify information during the preliminary voters roll exhibition period currently scheduled between June 12 and 17, 2017.
- Secure and preserve voter identification cards.
- Practice nonviolence and hold each other, as well as candidates, parties, and the media, accountable for behaving peacefully and respectfully throughout the electoral process.

International Community

- Support additional voter education efforts during the remaining registration period and through election day.
- Enhance support for citizen election monitoring efforts, electoral violence mitigation, and party pollwatching.

NDI is a nonprofit, nonpartisan organization dedicated to supporting and strengthening democratic institutions worldwide through citizen participation, openness and accountability in government. NDI first worked in Liberia in 1997, providing technical assistance to Liberian voter education and election monitoring efforts. The Institute has maintained a permanent in-country office in Liberia since 2003.