



EISA Election Observer Mission to the Liberia Presidential, Senate and House of Representatives Elections

11 October 2011

Interim Statement

1. Introduction

At the invitation of the National Elections Commission of Liberia (NEC), the Electoral Institute for Sustainable Democracy in Africa (EISA) deployed an Election Observer Mission for the 2011 Liberia Presidential and Senate and House of Representatives Elections that were held on 11 October 2011.

The EISA Mission has made its assessment of the 2011 Liberian electoral process, and its preliminary findings and recommendations are presented in this Interim Statement. Our observations and views are based on EISA's Principles for Election Management, Monitoring and Observation (PEMMO) and the AU Declaration on the Principles Governing Democratic Elections in Africa.

EISA will produce a final, more comprehensive report on the entire election process within three months. The final report will provide an in-depth analysis, detailed observations and recommendations. EISA will therefore continue to follow the process to completion, including the announcement of the final election results.

On behalf of the EISA Election Observer Mission, we take this opportunity to extend our gratitude to the people of Liberia and the electoral stakeholders for the warm welcome and hospitality given to us. We also congratulate the people of Liberia for their political maturity and the peaceful manner and atmosphere in which the elections were conducted. During our mission, we were allowed unhindered and unrestricted access to all key offices dealing with elections and all polling places and NEC offices. We acknowledge and appreciate the hospitable, courteous and friendly manner in which the leadership and staff of the National Elections Commission of Liberia received our Mission.

2. Mission Composition

Led by Mr. Leshele Thoahlane, Director-General of the Directorate on Corruption and Economic Offences of the Kingdom of Lesotho, and Chairperson of the EISA Board of Directors, and assisted by Mr. Miguel de Brito, EISA Country Director in Mozambique, the EISA Observer Mission consisted of eighteen members, including representatives from electoral commissions and civil society organisations from Cameroon, Cote

d'Ivoire, Democratic Republic of Congo, Ethiopia, Kenya, Lesotho, Mozambique, Nigeria, Sierra Leone, South Africa, Republic of South Sudan, Uganda and Zimbabwe.

3. Mission Methodology

EISA coordinated its observation in partnership with The Carter Center (TCC) through the TCC-EISA Integrated Election Observer Mission. Both organizations adopted the same observation methodology and jointly deployed observers in the fifteen counties in Liberia.

The EISA Election Observer Mission conducted various activities covering the pre-election, the polling and the post-election phases. From 15-24 August, EISA deployed a 3-member Technical Assessment Team to observe the 23 August 2011 Referendum, and for the Presidential and Senate and House of Representatives elections, the EISA Election Observer Mission arrived in Liberia on 4 October 2011.

The EISA Mission met various electoral stakeholders including the NEC, political parties, academics, civil society organisations, the media and domestic and international observer teams.

Following a two-day briefing in Monrovia, EISA observers were deployed to eight counties on Saturday, 8 October 2011. Upon arrival in their areas of deployment, the EISA observers held further meetings with the main local stakeholders. This period was also used by the deployed observers to familiarise themselves with the local context and observe the last days of campaigning.

On Election Day, EISA observers visited a total of 130 polling places stations and observed the voting and counting processes.

4. Preliminary Findings

After considering relevant legislation and documentation, statements by electoral stakeholders, media reports, and observations made by its different teams deployed on the ground, and basing itself on guidelines contained in the PEMMO and the AU Declaration, the EISA Mission has made the following preliminary findings:

i. On the Constitutional and Legal Framework for Elections

The Constitution of Liberia provides for the fundamental freedoms and basic human, civil and political rights. The legal framework for elections also provides for mechanisms to address disputes in the electoral process and a right of appeal for aggrieved persons.

The Electoral Act defers to regulations and codes of conduct for the details of a number of important regulatory issues that should require enforcement, namely the use of public resources, placement of campaign posters, the media, among others. This opens space for lack of clarity in the interpretation and implementation of the law.

The Mission notes that the stringent 10-year residential requirement for presidential candidates constitutes undue restrictions for candidates that could be otherwise qualified to contest in an election. We also note the fact that a majority of Liberians – 54% - that voted in the August 23 Referendum voted for the reduction of such requirements. The current constitutional restrictions should be reviewed because it is not in line with international best practices for democratic elections..

The Mission notes with satisfaction that the legal framework provides for independent presidential and parliamentary candidates to contest in Liberian elections.

ii. On the Political and Electoral System

The Mission notes with satisfaction that Liberians have the right and the opportunity to elect their representative government through regular and periodic elections through universal, direct and secret balloting, and there are term limits for the presidential mandate in accordance with international benchmarks and standards.

Although the Mission considers that the choice of an electoral system is the prerogative of each country, the Mission also notes that, in countries where cultural, economic and political factors contribute to male-dominated politics, the first-past-the-post electoral system has been known for producing under-representation of women in legislatures. Such is the case of Liberia, where women represent only 12.5% of the House of Representatives and 16.7% of the Senate.

iii. On the Election Management

The Mission congratulates the National Elections Commission for their professionalism, integrity, dedication and hard-work in the management of the 2011 electoral process under these politically and logistically difficult circumstances.

The Mission notes that the National Elections Commission of Liberia is empowered to perform the main functions of election management, and that the Constitution provides for the appointment of NEC by the President subject to Senatorial ratification. It also guarantees the independence of the Commission from external directions in its operations.

Many political parties expressed confidence on the professionalism and efficiency of the Commission, although some are of the opinion that NEC has not discharged its functions with impartiality.

The Mission noted with satisfaction that Liberian personnel are increasingly taking the lead in election management in Liberia, thus reducing their dependence of foreign expertise. The Mission notes with satisfaction that the current composition of NEC respects the principles of gender balance with three out of its seven members being women.

iv. On Conflict Management

The Mission noted that an Inter-Party Consultative Committee (IPCC) between political parties and the NEC is in place since 2005 as a mechanism to deal with election-related disputes. However, some stakeholders lamented the fact that the IPCC has not performed its role as effectively as it was expected, and regretted the lack of sufficient dialogue between the NEC and electoral stakeholders.

v. On the Electoral Codes of Conduct

The Mission noted with satisfaction that NEC has issued Codes of Conduct covering political parties, the media, observers, and its personnel. Much as this is a welcome development, the level of adherence to and enforcement of these codes has not been impressive, especially with regards to the campaign regulations and the media.

vi. On Voter Registration

The Mission was informed that for this election a full voter registration process was completed in February 2011 and that the provisional voters' roll was publicly exhibited to allow claims and objections from voters. The Mission notes however that the exhibition period of five days is very short.

Voter registration was conducted with the use of mobile computer kits and was regarded by most stakeholders as an efficient and inclusive process. Some stakeholders expressed lack of confidence in the integrity of the voters' roll produced by NEC, alleging that it is inflated with underage voters.

The Mission notes that the 2011 voter register has increased by 33 % from 2005, and includes more than 85% of all eligible voters, with a balance between female and male registered voters. The Mission regards this as a positive development.

The Mission notes with regret that the Electoral Act does not provide for the availability of copies of the voter register to political parties and candidates. Political parties and candidates also complained that party agents are not entitled to the copies of the Final Registration Roll at their respective polling places, as it is practice in many African countries and elsewhere.

vii. On the Registration of Political Parties and Nomination of Candidates

In order to operate as legally recognised entities, political parties are required to be registered. Political parties and independent candidates were free to register to contest in the presidential and parliamentary elections, and the Mission received no complaints regarding any hindrance to the registration of candidates.

The nomination of candidates was done at party congresses across the country between July and August 2011. In its consultation with political parties, it was noted that the nomination process was conducted according to laid down procedures and effectively monitored by NEC.

In relation to the nomination of women candidates, all political parties performed poorly – only 11% of all candidates were women.

viii. On the Electoral Campaign

The Mission congratulates the Liberian people and politicians for the peaceful and free campaign period. The Mission noted the enthusiasm, vivacity and remarkable peacefulness with which the election campaign was conducted.

The Mission noted the variety of means political parties and independent candidates used in their campaigns, such as posters, advertisements on big billboards, political rallies, television and radio appearances by candidates and debates involving representatives of various candidates, and other types of media outreach.

The Mission also received several reports of violations of the Code of Conduct by political parties and their supporters, especially related to posters and billboards being damaged, and was able to see first-hand some of those damaged campaign materials.

Other aspects related to the electoral campaign, such as media, use of public resources, and funding will be addressed in other sections of this Statement below.

ix. On the Media

It is generally accepted by most stakeholders that there was freedom of coverage and reporting by the media, both public and private. However, there were reports that the media was often bias in their reporting, either in favour of the incumbent party or the opposition parties. Although editorially the private media are held to different standards than the public media, they must always respect the principles of journalistic ethics in reporting and especially in the coverage and reporting of election campaigns.

The Mission noted that the Electoral Act does not contain provisions allocating airtime to political parties and candidates in the public media, or mandating the media to cover the campaigns with impartiality, objectivity and equity, in line with the AU Declaration and other international principles and benchmarks.

x. On the Use of Public Resources

A number of political parties expressed concern that the presidential candidate from the ruling party took advantage of incumbency to use state resources for campaign purposes and thus had an unfair advantage in the election. However, the Mission had no means to verify these allegations.

xi. On Political Violence and Intimidation

The Mission has an overall positive assessment of the level of peacefulness of the electoral campaign, and observed no incidence of orchestrated or sustained and widespread violence and intimidation. In the Mission's view, the climate of political tension and the high stakes of this election did not translate into electoral violence.

xii. On the Role of Security Forces

The Mission received no reports of inappropriate behaviour by security forces during campaigning and voting. Most stakeholders praised the professionalism and restraint, which the security forces exercised during the electoral process. On voting day, the police presence in polling stations was discreet and did not interfere with the voting process, or with voters' ability to express their wish freely.

xiii. On Political Party and Campaign Finance

The legal framework for the conduct of elections in Liberia currently does not provide for public funding for political parties and electoral campaigns. It however provides ceilings on campaign expenses, restrictions on the sources of donations, public disclosure of sources and public disclosure of campaign expenses.

The Mission finds that the mechanisms to effectively track and sanction violators of the regulations on campaign financing are currently very weak in Liberia.

The Mission also notes that the provisions for the payment of non-refundable fees by candidates in the Code of Conduct for political parties may create an obstruction to intending candidates who are qualified but may not be in a position to raise such funds, especially women.

xiv. On Civic and Voter Education

The Mission was informed of and noted the strong efforts by the NEC and a variety of civil society organisations to educate voters about the electoral process in all its phases. However, stakeholders contacted by the Mission were generally not happy with the content, coverage and reach of civic and voter education initiatives, contending that civic education failed to reach many rural voters.

xv. On Party Agents and Observers

The Mission notes with satisfaction that various observer missions witnessed the Liberian elections. There were over 250 international observers and more than 2,000 domestic observers accredited to observe the elections. Procedures for accreditation of international observers were easy and proceeded well.

On election day, the Mission noted the very high number of party agents present at every polling place visited, the presence of domestic election observers was also observed in all the stations visited.

xvi. On Gender Representation

The Mission notes with satisfaction the strong participation of Liberian women in the electoral process as voters, civic educators, campaigners, polling staff, party agents, and observers.

However, as pointed out in different sub-sections of this Statement, there is a serious challenge of gender balance in the number of legislative and presidential candidates. This will translate into a significant under-representation of women in the Liberian Legislature. 925 candidates contested in the 2011 elections of which 105 were women (11%), it is therefore expected that the number of female legislators

elected in 2011 will be lower than in the last election. The Mission believes that there are several structural factors behind this phenomenon, namely the first-past-the-post two-member constituency system, and the lack of public funding for electoral campaigns, which could offset the difficulties female candidates face in raising funds for their own campaigns.

The Mission commends the efforts of the 105 women who stood as candidates, both through political parties and as independents, despite all the odds.

xvii. On Polling Day – General Observations

Generally polling officials conducted their duties in an efficient and transparent manner and endeavoured to follow the opening, closing and counting procedures as provided in the law.

There was a discernible climate of peace, tolerance and general enthusiasm for the process. The Mission noted a positive and calm police presence at almost all the polling centres visited.

The Mission was impressed by the widespread presence of party agents and domestic observers and their good level of preparedness for the process. The Mission also noted some inconsistencies and issues that are detailed below, these may not affect the general outcome of the process, nor did they directly prevent voters from expressing their choice.

The elections were held during the rainy season in an environment that was not conducive for voters to express their will, although the Mission was gratified by the resilience of Liberian voters who braved the intense rain in some counties for several hours to cast their vote.

xviii. On the Polling Places

The NEC established 1,780 polling precincts with a total of 4,457 polling places, and the Mission found the number of polling stations to be adequate to ensure that as many eligible voters as possible cast their votes.

The layout of the polling places observed by the Mission was generally conducive for an easy flow of voters. We commend the efforts of the Commission to provide voting screens in places where polling booths were not available. However, it is important to note that the non-availability of polling booths in these places could compromise the secrecy of the ballot; it is therefore pertinent to make efforts for them to be made available across the country. It was also noted that many polling precincts were not accessible to voters with disabilities.

In most polling stations, voting began at 8:00 am.

xix. On the Ballot Papers, Ballot Boxes and Election Materials

The Mission noted that ballot boxes were transparent which promoted confidence of voters in the process. The boxes were colour-coded with stickers for each of the three elections for ease of identification.

In general polling materials were available and in adequate numbers. The colour-coding of the ballot papers to correspond with the colours of the respective ballot boxes was a good decision by the NEC to facilitate voting operations and guide voters in the casting of their ballots.

xx. On the Voting Process

The voting process took place with a good degree of consistency throughout the polling places observed by the Mission. The Mission is happy to report that, in the polling stations observed, there were very few cases of voters in possession of voter's cards unable to vote because their names were not on the Final Registration Roll.

The Mission noted that party agents were very active and vocal in expressing their concerns during the voting process, although it was noted that in some instance their concerns were not given due consideration by the Presiding Officers..

The Mission observed a balanced turnout of both female and male voters and a good turnout of young voters, although general turnout seemed to be higher in urban areas than in rural ones.

The Mission noted with regret the lack of legal obligation for NEC to make copies of the Final Registration Roll available to political parties, this constituted a challenge to the transparency of the process.

The gender balance among polling officials is highly commendable..

xxi. On the Counting and Tabulation Process

Polling Officials were generally well-trained for the counting process. In most of the polling places visited by the Mission, the counting process was conducted in compliances with stipulated procedures. The counting process was conducted in an open and transparent manner ensuring that all those present had a clear view of the marked ballot paper.

The Mission notes with satisfaction the very low number of rejected or invalid ballots in the polling stations observed.

The transmission and tabulation of results was on-going as at the time this statement was issued, it is therefore early to assess the system of transmission adopted by the NEC for the elections.

5. Recommendations

Based on its observations and findings, the Mission makes the following recommendations with the aim of contributing to the improvement of future electoral processes in Liberia:

1. On the Constitutional and Legal Framework for Elections

Within the framework of a future constitutional review process, the Mission encourages Liberians to review the unnecessary length-of-residence restrictions for presidential and vice-presidential candidates in line with international principles.

The Mission also recommends that the election date be determined in such a way as to fall within the dry season.

2. On the Electoral Codes of Conduct

A stronger effort should be made in future elections to improve the enforcement of the Code of Conduct, both by imposing stiffer penalties and having clearer enforcement procedures.

3. On Stakeholder Dialogue

The Mission calls upon NEC to improve its dialogue mechanisms with all electoral stakeholders to further improve information sharing and the transparency of the process.

4. On Voter Registration

Copies of the Final Registration Roll should be made available to all parties and independent candidates at no cost. All party agents should receive copies of the Final Registration Roll for the respective polling places they have been deployed on election day.

The NEC should also make an effort to purge the Voters' Roll of duplicate entries and underage voters.

5. On the Registration of Political Parties and Nomination of Candidates

The Mission strongly recommends that political parties be encouraged by law and through the code of conduct to enshrine internal democratic practices in the nomination of candidates. Parties should also adopt mechanisms that would increase the number of female candidates.

6. On the Media

The Mission recommends that an effective level playing field should be created for fair access to the media by parties and candidates during the electoral process. The regulatory framework should be strengthened to adopt an enforceable Code of Conduct especially for state-owned media, to ensure balanced coverage and reporting of electoral campaigns and related issues.

7. On Political Violence and Intimidation

The Mission calls upon the political parties, their leaders and candidates to continue to play a positive role in promoting peaceful elections in future electoral contests and refrain from the use of inflammatory language and accusations.

8. On Political Party and Campaign Finance

The Mission encourages the new Legislature to give consideration to a review of the current legal framework to provide public funding for political parties and electoral campaigns, on the basis of clear criteria, such as share of the popular vote, or seats obtained in Parliament. The rationale for this recommendation is that public funding of parties and campaigns would contribute to the leveling the playing field; and may encourage increased participation by female candidates.

The current provisions for ceilings on campaign donations should also be strengthened to reduce the negative influence of money in Liberian politics.

A review of the current provisions for payment of registration fees by candidates should also be considered to make candidature open to Liberians from all walks of life.

9. On Civic and Voter Education

The Mission urges NEC and Liberian civil society organisations to expand their civic and voter education campaign and efforts in order to reach its rural population.

10. On the Polling Stations

The Mission recommends that in future electoral processes an effort be made to select polling places with enough space and light to permit an easy layout, good flow of voters and efficient polling operations, and also an adequate monitoring of the process by party agents.

11. On Ballot Papers, Ballot Boxes and Election Material

The NEC must make an effort to provide voting booths for all polling places in the country in order to ensure adequate protection of the secrecy of the voting process.

12. On the Voting Process

The Mission suggests that additional training be given to polling officials and increased supervision on polling day, in order to ensure greater harmonization in the implementation of instructions and procedures.

Additionally, the Mission suggests that the complaints process be reviewed in order to allow every concern from the party agents to be adequately considered and, if necessary, recorded.

13. On the Counting Process

The Mission recommends that copies of the tally sheet at polling places should be distributed to all party agents present, regardless of the number of votes received by their candidates.

14. On Gender Representation

The Mission strongly recommends that corrective measures, such as appropriate legal reforms and quota requirements, be undertaken in order to achieve greater gender parity not only in the nomination process, but also in the final makeup of the representation of women in elective positions in Liberia.

6. Conclusion

At the time of the release of this statement, the tabulation and announcement of results were still in progress. Therefore, our conclusion on the conduct of these elections is restricted to the period of our observation up to this day, 13 October 2011. On the basis of its observation thus far and using the guidelines enshrined in the PEMMO and the AU Declaration, the EISA Election Observer Mission concludes that the Presidential and Legislative Elections held on 11 October 2011 in Liberia were conducted in a manner that allowed the people of Liberia to express freely their democratic choice. It is the hope of the Mission that the tabulation and announcement of the final results will be conducted in the same manner as the preceding stages so that the final electoral outcome can reflect the will of the Liberian voters. The Mission calls on all Liberians and, in particular, on all political parties and candidates to demonstrate restraint and calm during this period until the final results are announced and to use legal and peaceful means to resolve any disputes related to the electoral process.

Monrovia, 13 October 2011

Leshele Thoahlane
EISA EOM Leader