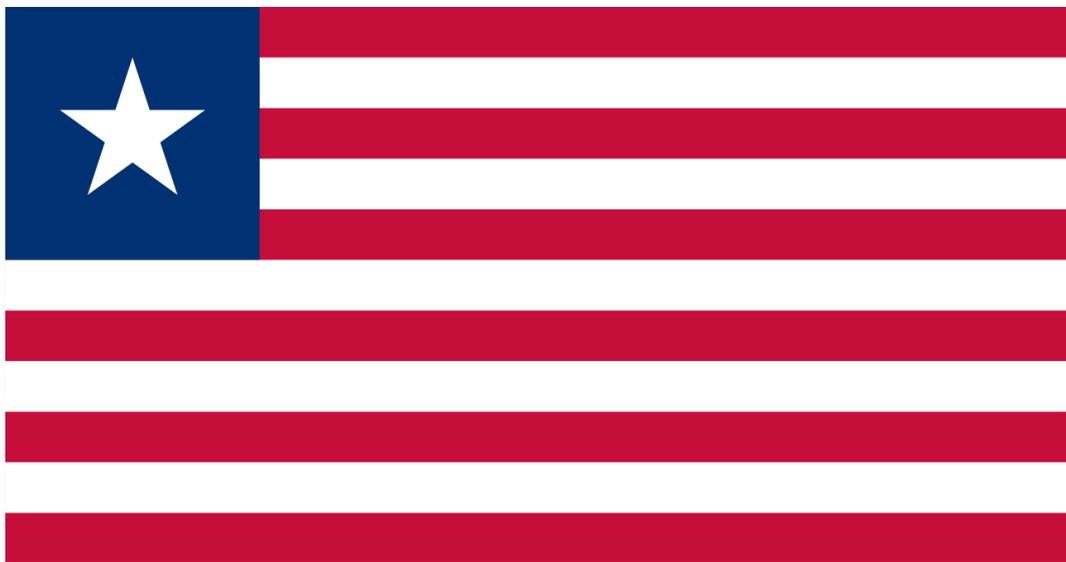


EISA Pre-Election Assessment Mission Report



REPUBLIC OF LIBERIA
11 – 15 September 2017

CONTENTS

LIST OF ABBREVIATIONS	3
1. EXECUTIVE SUMMARY	4
2. HISTORICAL BACKGROUND AND CONTEXT OF THE 2017 PRESIDENTIAL AND REPRESENTATIVES ELECTIONS	5
2.1. A history of bloody coups and civil wars	5
2.2. The first peaceful handover of power	6
2.3. A peaceful political context guided by ‘The Farmington River Declaration’	8
3. ELECTORAL FRAMEWORK	9
3.1. The constitutional and legal framework	9
3.1.1. The 1986 Constitution	9
3.1.2. The New Elections Law (as amended) and Regulations	10
3.2. The electoral system	11
3.3. Party and campaign finance	12
3.4. Election management	13
4. KEY FINDINGS ON THE PRE-ELECTION PHASE	13
4.1. Constituency delimitation	13
4.2. Voter registration	16
4.3. Political party registration and candidate registration	17
4.4. The media	18
4.5. Civil society	19
4.6. Gender and minority rights	19
4.7. Civic and voter education	20
4.8. Security	20
4.9. Campaigns	21
4.10. Preparedness of the National Elections Commission (NEC)	21
APPENDICES	23
Appendix 1: Stakeholders consulted by the EISA PAM	23
Appendix 2: List of Registered Political Parties	23

LIST OF ABBREVIATIONS

CDC	Congress for Democratic Change
CSOs	Civil Society Organisations
ECC	Election Coordinating Committee
EISA	Electoral Institute for Sustainable Democracy in Africa
FRR	Final Registration Roll
ICC	International Criminal Court
IPCC	Inter-Party Consultative Committee
LBS	Liberia Broadcasting Service
LEON	Liberia Election Observation Network
LNP	Liberian National Police
NDI	National Democratic Institute for International Affairs
NEC	National Elections Commission
NOUD	National Union of Organisations for the Disabled
OMR	Optical Mark Recognition
PUL	Press Union of Liberia
PWDs	Persons with Disability
TCC	The Carter Centre
TRC	Truth and Reconciliation Commission
UNMIL	United Nations Mission in Liberia
UP	Unity Party

1. EXECUTIVE SUMMARY

Through the implementation of its Africa Democracy Strengthening (ADS) Programme, the Electoral Institute for Sustainable Democracy in Africa (EISA) seeks to contribute to the improvement of electoral processes on the continent. In line with this objective, it deployed a pre-election assessment mission (PAM) to Liberia from 11 to 15 September 2017. The PAM was tasked with assessing the pre-election and political context in Liberia, and to determine whether conditions exist for conducting democratic elections during the presidential and representatives elections that are scheduled to take place on 10 October 2017. The mission also examined the state of preparedness for the elections by key stakeholders such as the National Elections Commission, political parties, and civil society organisations. The EISA PAM's assessment is based on international benchmarks for democratic elections provided in the African Charter for Democracy, Elections and Governance; the AU/OAU Declaration on the Principles Governing Democratic Elections in Africa; the Declaration of Principles for International Election Observation; the Principles for Election Management, Monitoring and Observation (PEMMO); and the Liberian legal framework for elections. The EISA PAM to Liberia was conducted by Mr Justin Doua, Country Director, EISA Somalia field office and Ms Olufunto Akinduro, Head of Elections and Political Processes, EISA Johannesburg. The mission held consultative meetings with electoral stakeholders in Monrovia. EISA wishes to express its gratitude to the stakeholders who met with the assessment team and provided the necessary information for the realisation of the mission's objectives.

The 2017 elections are crucial for Liberia's democratic consolidation, as they present the first post-conflict transfer of power between two elected governments. These elections will be second of their kind since 1944. They take place against the background of the drawdown of the United Nations Mission in Liberia (UNMIL), which places more responsibility on the Liberian government to fund and provide the requisite operational infrastructure in order for the elections to be successfully conducted. The elections are also taking place in the aftermath of

the Ebola health crisis that claimed over 4,000 lives and strained the country's limited economic resources and weak infrastructure.

In its assessment of the constitutional and legal framework of Liberia, the EISA PAM considers the framework as providing a sufficient and sound basis for conducting credible elections. The PAM noted amendments to the New Electoral Law in line with recommendations made by the EISA election observer mission (EOM) in 2011 – for instance, the appointment of the Executive Director by the NEC. The EISA PAM is of the view that the legal framework remains weak in the area of inclusion and effective representation of women, youth and vulnerable groups like persons with disability.

The legal framework guarantees fundamental rights to a large extent, albeit with some observed restrictions. The PAM in its assessment of the legal framework considers the following provisions as imposing undue restrictions on political rights:

- The 10-year residency requirement and the requirement for presidential candidates to have property worth at least \$25,000 USD
- Provisions empowering the NEC to suspend parties or ban candidates from the next two elections if they do not receive at least 2% of the votes cast in an election (section 5A{1})
- Provision of section 4.5 (1a) of the New Elections Act that mandates parties to field candidates for 50% of the constituencies. The PAM is of the opinion that parties should be allowed to field candidates in their areas of support without such restrictions.
- The imposition of a non-refundable deposit as an application fee by candidates may restrict the participation of otherwise qualified candidates.

The regulatory framework for party and campaign finance defines the allowable sources of funding; it provides for disclosure of donations and expenditure by parties and the NEC; and it also provides ceilings on campaign expenditure and donations. The guidelines provide clear details of the procedures for reporting and monitoring by

the NEC. The framework, however, does not provide for the public funding of political parties.

The campaigns commenced on 29 July. They have generally been peaceful and all parties have conducted their activities without undue restrictions. Political parties consulted by the PAM also expressed their satisfaction with the conduct of the Liberia National Police (LNP) and the police response to isolated incidents that have so far been reported. The NEC was satisfied that parties have largely complied with the terms of the agreed Code of Conduct.

To regulate the participation of the media in the electoral process and foster responsible and accurate reporting the Press Union of Liberia (PUL) and the NEC adopted the Media Code of Conduct. While the PAM considers this a good practice, it also notes that in the absence of a media regulatory body, enforcement of press ethics and professionalism remains a challenge.

While the stakeholders consulted by the EISA PAM did not raise major concerns regarding the constituency delimitation, there were concerns about the delayed release of the final registration roll (FRR). The EISA PAM noted, however, that the current delimitation does not guarantee equality of the value of the ballot because of the disparities between the number of voters on the register and the seats allocated. For instance, the largest district has 63,786, while the smallest district has 10,604. This amounts to a difference of over 50,000 voters, which is the size of other districts. The PAM noted that such disparities could affect the value of the vote.

The PAM commended the efforts of the NEC towards creating a credible voter's register despite the challenges experienced with the creation and codification of new registration centres. The PAM noted, however, that Liberia currently does not have a national civil registry against which to compare and verify voter registration figures, thus questions about the credibility of the register continue to linger. The PAM noted that there were concerns raised

about the 'trucking' of registrants across constituencies to build support for specific candidates or parties. While these concerns may be genuine, there is neither recent population census data, nor a civil registry that provides details of citizenship and residency.

The efforts of the NEC to keep an open line of communication with the political parties through the IPCC at the national level are noted. The PAM gathered that at county level, there's limited communication as parties and magisterial offices all wait for direction from their different national offices. It is important to consider establishing county-level consultative platforms.

Overall the EISA PAM is of the view that the pre-election context in Liberia is conducive to open multi-party competition and conducting genuine democratic elections. EISA will deploy a team of short-term observers and technical experts during the election phase. The final report of the EISA EOM will build on the findings of the EISA pre-election assessment mission.

2. HISTORICAL BACKGROUND AND CONTEXT OF THE 2017 PRESIDENTIAL AND REPRESENTATIVES ELECTIONS

2.1. A history of bloody coups and civil wars

Liberia is the first African country to have self-proclaimed independence. It did so on 26 July 1847, and is Africa's first and oldest modern republic. From December 1989 to August 2003 the history of Liberia was marred by series of rebellions and civil wars. In August 2003 a peace deal was signed in Ghana.¹ The United Nations Mission in Liberia (UNMIL) began arriving in September 2003 to provide security and monitor the peace accord, and an interim government took power thereafter.

The subsequent 2005 elections, which were contested in two rounds, were internationally regarded as genuine elections in Liberian history. They saw the election of Ellen Johnson-Sirleaf of the Unity Party (UP), with 59.4% of the

¹ http://www.necliberia.org/content/legaldocs/laws/comprehensive_peace_agreement.pdf

votes, to become Africa's first female president. In second place was George Weah of the Congress for Democratic Change (CDC), a renowned former footballer who got 40.6% of the votes. In the legislature, none of the parties gained an absolute majority. Table 1 below provides a comparison of the performance of parties in legislative elections since 2005.

As part of the transitional justice efforts in the country, President Johnson-Sirleaf requested the extradition of Charles Taylor, the former warlord and former president (from his exile in Nigeria) to the International Criminal Court (ICC for crimes against humanity. The former warlord was found guilty for crimes against humanity in the decade-long civil war in neighbouring Sierra Leone. He received a 50-year prison sentence in 2012. To further its transitional justice efforts, in 2006 the government established a Truth and Reconciliation Commission (TRC) to address the causes and crimes of the civil war. The Commission issued its final report in December 2009, which it is yet to be implemented. Non-implementation of the report has raised concerns about the government's commitment to transitional justice.

The political context in Liberia since 2005 has remained open for political competition.

2.2. The first peaceful handover of power

The 2011 elections were also contested in two rounds between incumbent President Johnson-Sirleaf and 15 other candidates, including George Weah, who was the vice presidential candidate of the CDC with Winston Tubman as the presidential candidate.. The first round election saw the incumbent in the lead with 43.93% of the votes. The results were however disputed by the CDC, which culminated in its boycott of the runoff election. Although the CDC had boycotted, Winston Tubman's name remained on the ballot and he received 9.29% of the votes, the runoff election was won by incumbent president Johnson-Sirleaf. The runoff elections were marked by a low voter turnout of 38%, compared to 71.6%

in the first round. The outcome of the 2011 legislative elections saw the ruling UP gain more ground, but it did not emerge with an absolute majority of seats in the legislative bodies. It won 4 of the 15 senatorial seats that were contested that year² and 24 of the 73 seats in the House of Representatives.

The special senatorial elections to fill the seats of the senior senators who had served their nine-year tenure were initially scheduled to take place in October 2014, but the elections were rescheduled because of the Ebola outbreak. The rescheduled elections took place in December 2014 and voter turnout was very low at 25.2%. In the 2014 special elections, the ruling UP won 4 of the 15 contested seats, again reinforcing the trend of no absolute lead by a single party. The 2014 election also saw the former warlord Prince Yomie Johnson retaining the Nimba County senatorial seat and the Monsterrado County seat was won by George Weah. The victory of these two political actors in the 2014 special elections were indicators of their preparations to throw their hats in the ring for the 2017 presidential race.

The political trend since 2005 points to the fact that no party has had a clearly strong lead in the political scene so far. The 2017 elections seem to be moving in the same direction, as there are 19 presidential candidates and 23 of the 26 registered parties are fielding candidates in the legislative elections.

The presidential and representatives elections of 10 October 2017 will be a landmark in Liberia's troubled political history, since for the first time in over half a century Liberians will participate in a peaceful transfer of power between a living president and an elected successor.

² 15 seats were contested in 2011 because the 15 senior senators who were elected in 2005 were elected for a nine-year tenure which expired in 2014, while the 15 junior senators were elected for a six-year tenure. However, all senators who were elected after 2011 were elected for a nine-year tenure (article 46 of the Liberian constitution).

Table 1: Comparison of 2005, 2011 and 2014 legislative election results

2005 elections			2011 elections			2014 elections	
Party/Coalition	Senate (no. of seats: 30)	House of Representatives (no. of seats: 64)	Party/ coalition	Senate (no. of seats: 15)	House of Representatives (no. of seats: 73)	Party/ coalition	Senate (no. of seats: 15)
Congress for Democratic Change (CDC)	3	15	Unity Party (UP)	4	24	Unity Party (UP)	4
Liberty Party (LP)	3	9	Congress for Democratic Change (CDC)	2	11	Congress for Democratic Change (CDC)	2
Coalition for the Transformation of Liberia [COTOL]	7	8	Liberty Party (LP)	-	7	Liberty Party (LP)	2
Unity Party (UP)	4	8	National Union for Democratic Progress (NUDP)	1	6	-	-
Alliance for Peace and Democracy [APD]	3	5	National Democratic Coalition [NDC]	1	5	National Democratic Coalition [NDC]	1
National Patriotic Party (NPP)	3	4	National Patriotic Party (NPP)	4	3	National Patriotic Party (NPP)	1
New Deal Movement (NDM)	-	3	Alliance for Peace and Democracy (APD)	1	3	Alliance for Peace and Democracy (APD)	-
All Liberian Coalition Party (ALCOP)	1	2	Movement for Progressive Change (MPC)	-	2	Movement for Progressive Change (MPC)	-
National Democratic Party of Liberia (NDPL)	2	1	Liberia Transformation Party (LTP)	-	1	Liberia Transformation Party (LTP)	-
National Reformation Party (NRP)	1	1	Liberia Destiny Party (LDP)	1	1	-	-
United Democratic Alliance [UDA]	-	1	National Reformation Party (NRP)	-	1	-	-
Free Democratic Party (FDP)	-	-	National Democratic Party of Liberia (NDPL)	-	-	-	-
Progressive Democratic Party (PRODEM)	-	-	Original Congress Party of Liberia (OCPOL)	-	-	-	-
Freedom Alliance Party of Liberia (FAPL)	-	-	Union of Liberian Democrats (ULD)	-	-	Union of Liberian Democrats (ULD)	-
Union of Liberian Democrats (ULD)	-	-	Victory for Change Party (VCP)	-	-	Victory for Change Party (VCP)	-
Labor Party of Liberia (LPL)	-	-	Progressive Democratic Party (PRODEM)	-	-	-	-
Liberia Equal Rights Party (LERP)	-	-	Liberia Empowerment Party (LEP)	-	-	-	-
Reformed United Liberia Party (RULP)	-	-	Citizens Unification Party (CUP)	-	-	-	-
Liberia Destiny Party (LDP)	-	-	Grassroot Democratic Party of Liberia (GDPL)	-	-	Grassroots Democratic Party of Liberia (GDPL)	-
National Vision Party of Liberia (NATVIPOL)	-	-	Liberia Reconstruction Party (LRP)	-	-	-	-
National Party of Liberia (NPL)	-	-	All Liberian Coalition Party (ALCOP)	-	-	People's Unification Party (PUP)	1
Independents	3	7	Freedom Alliance Party of Liberia (FAPL)	-	-	Alternative National Congress (ANC)	1

			Liberia National Union (LINU)	-	-	-	-
			Progressive People's Party (PPP)	-	-	-	-
			Republican Party of Liberia (RPL)	-	-	Liberia National Union (LNU)	-
			National Social Democratic Party of Liberia (NSDPL)	-	-	-	-
			Independents	1	9	Independents	3

Source: compiled from: www.necliberia.org

2.3. A peaceful political context guided by 'The Farmington River Declaration'³

In January 2017, President Johnson-Sirleaf proposed a two-day 'reform' forum to discuss the electoral process with registered parties and independent presidential candidates.⁴ The electoral forum took place in May 2017. It provided a platform to ease possible tensions about the constitutionality of the Code of Conduct, which was upheld by the Supreme Court of Liberia.⁵

On 4 June 2017 at the Farmington River Hotel in Margibi County, 20 political parties signed what is now referred to as 'The Farmington River Declaration'. The signatories committed themselves to conducting peaceful elections and judicial resolution of election disputes in Liberia.

The thirteen-count resolution commits signatories to resolving election disputes through mediation and/or the Courts; preventing election violence; peaceful political campaigns; and to closely work with law enforcement agencies to ensure that they effectively perform their duties before, during and after the 2017 elections.

The political parties and candidates also called on the government to set up a toll-free hotline to enable stakeholders to monitor and report on situations that have the propensity to derail the peace during and after the elections.

These political leaders also promised to hold themselves accountable in promoting effective political leadership of the campaign against electoral violence, impunity and injustice.

Other important factors in the run-up to the 2017 elections are the slow economic growth and limited infrastructural development in the country. The World Bank reports that Liberia's economy experienced 0% growth between 2014 and 2016.⁶ As reported by the World Food Programme, an estimated 64% of Liberians live below the poverty line.⁷ The Ebola crisis and the decline in global commodity prices contributed to the country's economic setbacks. The slow economic growth and infrastructural development has led to public dissatisfaction about service delivery and living standards.

Basic facts about the 10 October 2017 elections:

- No. of registered political parties: 26
- No. of presidential candidates: 20 (19 males and 1 female)
- No. of registered voters: 2,183,629 (females: 1,064,274 and males: 1,119,355)
- No. of voting precincts: 2,080
- No. of polling places: 5,390

It is important to note the situation vis-à-vis the United Nations Mission in Liberia (UNMIL). The UNMIL's mandate has been extended to March 2018, albeit on a much smaller scale.⁸ Though UNMIL will remain in the

³ <http://www.governancecommissionlr.org/others.php>

⁴ APA-Monrovia (Liberia), "Liberian leader proposes electoral reform forum ahead of 2017 election," 24 January 2017, Accessed 1 September 2017, <http://apanews.net/en/news/liberian-leader-proposes-electoral-reform-forum-ahead-of-2017-election>

⁵ Henry Karmo, "Benoni Urey Boycotts Electoral Forum For Political Parties," Front Page Africa Online, 31 May 2017, Accessed 8 September, <http://www.frontpageafricaonline.com/index.php/politics/4290-benoni-urey-boycotts-electoral-forum-for-political-parties>

⁶ <http://www.worldbank.org/en/country/liberia/overview>

⁷ "Liberia Country Programme (2013–2017)," World Food Programme, Accessed 8 September 2017, <https://www.wfp.org/operations/200395-liberia-country-programme-2013%E2%80%932017>

⁸ In December 2016, the Security Council decided to: reduce UNMIL's remaining military strength of 1,240 military personnel to a ceiling of 434, comprising one company and appropriate enablers, including aviation assets, by 28 February 2017; decrease UNMIL's authorised police strength to 310 police personnel, which includes two formed police units and individual police officers required for the implementation of the mandate, by 28 February 2017. <http://www.un.org/en/peacekeeping/missions/unmil/facts.shtml>

country throughout the election period, its support will be much smaller than in previous elections, thus placing more responsibility on the Liberian authorities. The continued UNMIL presence could help deter and address any election-related violence. Climatic conditions during the election period also present an important factor in the delivery of the elections. Liberia is one of the West African countries that experiences the highest levels of annual rainfall.⁹ Liberia experiences rains from May to October, so the elections will take place during the peak of the rainy season. The rains coupled with the poor road networks and limited infrastructure poses operational challenges for conducting the elections.

The 2017 elections are considered crucial, because they will be the first to effect a civilian transition since the end of the civil war and the second since 1944. These elections take place against the background of the drawdown of the UNMIL, which places more responsibility on the Liberian government to fund and provide the requisite operational infrastructure in order for the elections to be successfully conducted. The elections are also taking place in the aftermath of the Ebola health crisis that claimed over 4,000 lives and strained the country's limited economic resources and infrastructure.

3. ELECTORAL FRAMEWORK

3.1. The constitutional and legal framework:

The presidential and representatives elections of 10 October 2017 will be guided by the 1986 Constitution of Liberia, the New Elections Law (as amended) and the NEC's regulations and procedures.

3.1.1. *The 1986 Constitution*

The constitution establishes Liberia as a free sovereign and independent state (article 3). It recognises the establishment of free governments with all power inherent in the people (article 1). The constitution enshrines the principles of separation of powers, as it establishes the Executive, Judiciary and Legislature as independent arms

of government with checks and balances (article 3). The constitution vests executive power in the president, who is the head of state, head of government and commander-in-chief of the armed forces. The president is assisted by a vice-president, who is elected on the same ticket as the president and serves as the president of the Senate (articles 50 and 51). Legislative power is vested in a bicameral legislature comprising the Senate and House of Representatives, both of which must pass all legislation (article 29). Judicial power is vested in the Supreme Court as the appellate court (article 65). The Chief Justice and associate judges of the Supreme Court are commissioned by the president subject to Senate's consent. Judges can be removed from office by impeachment by the legislature based on proven evidence of misconduct, inability to perform their duties of office or gross breach of office (articles 70 and 71).

The constitution recognises and guarantees fundamental rights and freedom to all citizens. Specifically, it provides for equal protection of the law to all citizens and guarantees citizens the right to seek redress for the violation of their rights and freedoms and the remedy of such claims (Article 26). It guarantees the freedoms of movement, religion, thought, association, expression and information.

For both the presidential and representatives elections the constitution provides for a multi-party political system and universal adult suffrage in public elections conducted by secret ballot. The constitution in article 83 provides for the holding of regular elections on the second Tuesday in October every six years. It provides for an independent election management body, called the National Elections Commission (NEC), to oversee the conduct of elections and referenda. It also provides for a dispute-resolution mechanism to address disputes arising during the electoral process. It provides a framework for the registration, funding and operation of political parties and the right to stand as independent candidates.

The constitution enshrines the principle of non-discrimination and inclusion, which are further detailed in the Elections Law to guarantee the participation

⁹ <https://www.britannica.com/place/Liberia>

and representation of women, youth and persons with disability.

Article 50 of the constitution limits the president's stay in office to two terms. The EISA PAM considers this limitation as providing grounds for more political competition.

3.1.2. *The New Elections Law (as amended) and Regulations*

The New Elections Law was adopted in September 1986. It repealed the People's Redemption Council (PRC) Decree 85. The Elections Law was amended on January 29, 2003, December 23, 2004 and December 15, 2014.

The New Elections Law (as amended) regulates all phases of the electoral process. It provides for the organisation and administration of the NEC, with details on the appointment and powers of the Commission, and on the appointment of its staff and election personnel.

On the registration of voters, the law defines eligibility of persons to register, procedures for registration of voters, compilation of the registration roll and procedures for claims and objections to the registration process.

As regards conducting elections, the law stipulates procedures for nomination of candidates, election day procedures, including the duties of election personnel and party representatives; it also stipulates procedures for the determination of questioned ballots and results tally process.

As regards voting, it defines the eligibility of persons to vote and procedures for assistance to voters requiring assistance. The law also makes provisions for procedures for contested elections and the determination of election petitions. The law includes provisions regulating the campaign finances of parties, and for the merger, consolidation and dissolution of political parties. The tenth chapter of the law defines various election offences and penal measures. The final chapter provides budgetary appropriations for the NEC.

Drawing from lessons in the 2011 elections, an electoral reform process was undertaken that culminated in the approval of amendments to the 1986 New Elections Act on 15 December 2014. The PAM noted that the amendments further strengthened the legal framework for conducting elections in Liberia.¹⁰ The amendments include:

- Transferring the power to appoint the NEC's Executive Director from the President to the the NEC itself (section 2.19)
- Persuasive provisions for affirmative action for inclusion of at least 30% of each gender on lists of party nominees and within party leadership structures. (sections 4.5 {1b-c})
- Increased length of time for submission of party nominations from 8 weeks to 90 days (section 4.5{3})
- Clarifications on the period for withdrawal of candidature, which does not apply to runoff elections.
- Clarifications in the event of the death of a candidate between the first and second round of presidential election (section 4.7b{1-2})
- More details on the procedures for ballot reconciliation and counting at polling places
- Provision for a rerun election in the event of a tie (section 4.15A)
- Powers of the Commission to deregister or suspend parties and independent candidates (section 5A)
- Revised provisions for party and campaign finance (chapter 7)
- Funding of the NEC through legislative approval (section 11.2)

The legal framework for elections in Liberia also includes a number of NEC regulations such as:

- Voter Registration Regulations
- Regulations on Establishing Electoral Districts
- Candidate Nomination Regulations
- Campaign Finance Regulations
- Regulations on Polling and Counting
- Regulations on Complaints and Appeals
- Elections Hearings Procedures
- Referendum Regulations

¹⁰ http://necliberia.org/doc_download/New%20Elections%20law%20Amendments.pdf (accessed on 01/10/2017).

In its assessment of the constitutional and legal framework of Liberia, the EISA PAM considers the framework as providing a sufficient and sound basis for conducting credible elections. It guarantees the following fundamental rights: the right to vote; universal suffrage; the right and opportunity to be elected (albeit with noted restrictions mentioned in the following paragraph); the freedoms of assembly and expression; and the right to periodic elections. The EISA PAM further noted that the provision for presidential term limits opens the electoral process to peaceful and democratic change of power. However, the EISA PAM is of the view that the legal framework remains weak as regards the inclusion and effective representation of women, youth and vulnerable groups like persons with disability. The PAM also noted that the current delimitation of boundaries does not fully comply with the principle of equal value of the vote.

In its assessment of the legal frameworkd considers the following provisions as imposing undue restrictions on political rights:

- The 10-year residency requirement and the requirement for presidential candidates to have property worth at least 25,000 USD
- Provisions empowering the NEC to suspend parties or ban candidates from the next two elections if they do not receive at least 2% of the votes cast in an election (section 5A{1})
- Provision of section 4.5 (1a) of the New Elections Act that mandates parties to field candidates for 50% of the constituencies. The PAM is of the opinion that parties should be allowed to field candidates in their areas of support without such restrictions.
- The imposition of a non-refundable deposit as an application fee by candidates may restrict the participation of otherwise qualified candidates.

3.2. The electoral system:

Presidential and legislative elections are conducted through the first-past-the-post system (FPTP) by secret balloting with universal adult suffrage.

For elections to the offices of president and vice-president, the two-round plurality system is adopted, where the winner of the elections must obtain above 50% of the votes cast. In the event that a winner does not emerge, a runoff election is contested by the two candidates with the highest number of votes in the first round (article 83 of the constitution).

Senators are elected by simple majority, with each county representing a constituency that elects two senators. The election of senators is conducted in a staggered manner in which 15 are elected per time. In the 2005 elections, 30 senators were elected through a system where the 15 candidates with the highest votes from each county were elected as first category or 'senior' senators who were elected for a nine-year tenure, while the 15 candidates in second place from the counties were elected as second category or 'junior' senators for a six-year tenure. However, all senators who were elected after 2011 are elected for a nine-year tenure.¹¹

Members of the House of Representatives are elected by simple majority in single-member constituencies. For the election of Members of the House of Representatives, the counties are delimited into electoral districts on the basis of population size, and each district elects one member of the House. Based on a 2010 joint resolution of both houses of the legislature, 73 electoral districts were approved for the 2011 elections and the same districts will be retained for the 2017 elections.¹²

Article 52 of the constitution specifies that to be eligible to hold the position of president or vice-president a person must be:

- A natural-born Liberian citizen of not less than 35 years of age;
- The owner of unencumbered real property valued at not less than twenty-five thousand dollars; and
- Resident in the Republic ten years prior to his election, provided that the president and the vice-president shall not come from the same county.

¹¹ Article 46 of the Constitution.

¹² Regulations for Establishing Electoral Districts.

According to Article 30, to be eligible to become a member of the House of Representatives the Citizens of Liberia must have attained the age of 25 years; be domiciled in the country or constituency to be represented not less than one year prior to the time of the election; and be a taxpayer. The same eligibility criteria apply to membership of the Senate, except that the age limit is set at 30 years.

The EISA PAM reiterated the observation of the EISA EOM in 2011, that the electoral system does not sufficiently promote the inclusiveness and representation of special-interest groups such as women, youth and persons with disabilities. The final list of candidates for legislative elections is indicative of the low representation of women in the 2017 elections.

In its assessment of the constitutional and legal framework of Liberia, the EISA PAM considers the framework as providing a sufficient and sound basis for conducting credible elections. It further noted that the provision for presidential term limits opens the electoral process to peaceful and democratic change of power. However, the EISA PAM is of the view that the legal framework remains weak as regards the inclusion and effective representation of women, youth and vulnerable groups like persons with disability.

The regulatory framework defines the allowable sources of funding, it provides for disclosure by parties and the NEC, and it also provides ceilings on campaign expenditure and donations. The guidelines provide clear details of the procedures for reporting and monitoring by the NEC. The framework does not however provide for the public funding of political parties.

The PAM noted that the legal framework does not provide for public funding for political parties or campaigning. It also noted a lack of effective application of the regulation of campaign finance. Articles 82 and 83 provide for campaign finance regulation. As of 14 September, the day the PAM met with the chairman of the NEC, only five parties had met the requirements of Article 83 (d) of the constitution about the publication and submission of annual statements of assets and liabilities.

3.3. Party and campaign finance

Political party and campaign finance is regulated by article 82 of the constitution and chapter 7 of the New Elections Act (as amended) and the May 2016 Campaign Finance Regulations. The regulatory framework defines the allowable sources of funding; it provides for active disclosure of donations and expenditure by parties and the NEC; and it also provides ceilings on campaign expenditure and donations. The guidelines provide clear details of the procedures for reporting and monitoring by the NEC. The framework does not however provide for the public funding of political parties.

The constitution and the New Elections Law (as amended) provide for funding of political parties and campaigns through private donations from citizens within the country and in the diaspora. It prohibits donations from anonymous sources, foreign individuals or institutions, corporate bodies and labour unions.

Parties and candidates are mandated to appoint a campaign treasurer who will be responsible for maintaining a record of all donations and expenditure. Parties and candidates are mandated to submit an assets and liability report along with their nomination papers. Within 15 days of the announcement of final election results, parties and candidates are mandated to submit an audited account and assets and liability report to the NEC, which is mandated to publish such reports. Article 83 of the constitution mandates parties to submit an annual financial report to the NEC on 1 September. The EISA PAM noted that these provisions promote transparency in the use of money in the electoral process.

The New Elections Law imposes a ceiling of \$100,000 USD on donations from individual sources. It also provides the following ceilings on campaign expenditure:

- For presidential candidates - \$2,000,000 USD
- For vice presidential candidates - \$600,000 USD
- For senator - \$600,000 USD
- For representatives - \$400,000 USD

The framework prohibits the use of public resources for campaigns, except for persons on official duty. The EISA PAM noted the reports by international observer groups about non-compliance with this provision during the campaigns; so far no action has been taken to sanction erring candidates.¹³

As part of the framework for enforcement of the campaign finance regulations, the NEC is also empowered to conduct a post-election audit of the accounts of parties and candidates through a committee or a commissioned certified audit. Parties and candidates found in contravention of the campaign finance regulations could be fined up to \$5,000 USD. During the NEC weekly briefing that was attended by the PAM on 13 September 2017, the NEC notified the public that only four political parties had complied with the reporting requirement for annual assets and liability reports to be submitted to the NEC that was due by 1 September 2017.

The PAM believes that party and campaign finance as well as effective control of campaign expenditures should be strengthened to guarantee a level playing field for all parties.

3.4 Election management

Appointment and composition

The Constitution of Liberia provides for the establishment of an Elections Commission (Article 89). The organisation and administration of the National Elections Commission (NEC) is provided for in Chapter 2 of the Elections Law. The NEC is an autonomous public commission. It comprises “seven (7) Commissioners appointed by the President of Liberia, who shall appoint one of them as Chairman and another as Co-Chairman. All of the appointments shall be subject to the consent of the senate” (Section 2.1). To qualify as members of the Commission, a person is required to be a Liberian national who is not less than 35 years old. Members of the Commission are appointed for a tenure of seven years. Members can be removed if there is proof of misconduct.

The PAM noted that whilst the provisions on the appointment of the NEC members are sufficient, the law is not explicit on the procedures for their removal, thus compromising their security of tenure.

To enable the NEC to deliver on its mandate, the law provides for the appointment of an Executive Director who is the head of the Commission’s administrative division. The NEC also has structures at the county level which are headed by the Election Magistrate.

Power and Duties

According to Section 2.9 of the New Elections Law (as amended) the NEC has the responsibilities, inter alia:

- To administer and enforce laws related to conducting elections.
- Conduct all elections and referenda.
- To conduct registration of voters and periodic update of the voter register.
- Delimit electoral boundaries.
- To register and suspend the registration and accreditation of a registered political party.
- To issue citations for the appearance before it of any political party or its leaders, or other natural persons in connection with any complaint cognisable before it.
- To conduct programs to educate the citizens of Liberia about elections and referenda and their democratic rights related to them; and to inform them about voter registration events and elections and referendum events.

4. KEY FINDINGS ON THE PRE-ELECTION PHASE

4.1. Constituency delimitation

Electoral constituencies are delineated to ensure fair representation of the people in the legislature and equal value of the ballot. The law however requires that each constituency should be within the boundaries of a county and should to the extent possible have equal population

¹³ <https://www.cartercenter.org/news/pr/liberia-091217.html> (accessed 1/10/2017).

distribution within each district. Articles 80(d) and (e) of the constitution state that each constituency shall have an approximately equal population of 20,000 or such number of citizens as the legislature shall prescribe in keeping with population growth and movements as revealed by a national census.

The National Elections Commission (NEC) is responsible for the establishment of electoral districts in Liberia. This entails the amalgamation of towns or wards to form electoral districts. For the 2017 elections, the NEC will maintain the special electoral thresholds established for the 2011 elections by a joint resolution of the 52nd

legislature. The NEC's Regulations of 6 May 2016 on Establishing Electoral Districts stipulates that: "Threshold for each district shall be established based on the voter registration data following the Voter Registration and based on Provisional Registration Roll" (article 3).

For the 2017 Representatives Elections the 2011 delimitation statistics will be retained. The 15 counties of Liberia are divided into 73 Electoral Districts representing 73 seats in the next House of Representatives. Table 2 below shows the distribution of voters across the electoral districts and the allocation of seats.

Table 2: Electoral districts for 2017 elections

County	Total Number of seats/districts per county	Electoral District	Total voters per Electoral District	Total Number of Voters for County
Bomi	3	1	23 026	61 022
		2	16 889	
		3	21 107	
Bong	7	1	31 604	208 123
		2	26 855	
		3	34 100	
		4	28 323	
		5	30 678	
		6	26 186	
		7	30 377	
Gbarpolu	3	1	15 257	48 650
		2	17 226	
		3	16 167	
Grand Bassa	5	1	26 959	145 523
		2	27 694	
		3	34 313	
		4	29 468	
		5	27 089	
Grand Cape Mount	3	1	19 364	66 389
		2	23 027	
		3	23 998	
Grand Gedeh	3	1	23 355	63 202
		2	20 370	
		3	19 477	
Grand Kru	2	1	15 807	35 531
		2	19 724	

Lofa	5	1	27 348	167 427
		2	36 319	
		3	28 356	
		4	41 605	
		5	33 799	
Margibi	5	1	39 615	154 108
		2	32 514	
		3	27 377	
		4	29356	
		5	25246	
Maryland	3	1	18320	57 140
		2	20827	
		3	17993	
Montserrado	17	1	41769	778 291
		2	50143	
		3	45323	
		4	63786	
		5	46580	
		6	53882	
		7	43429	
		8	36826	
		9	41516	
		10	42861	
		11	44589	
		12	46313	
		13	38950	
		14	45617	
		15	39005	
		16	41898	
		17	55804	
Nimba	9	1	33583	279 601
		2	32601	
		3	32927	
		4	35453	
		5	26190	
		6	27866	
		7	33251	
		8	31024	
		9	26706	
River Gee	3	1	12210	35 191
		2	12377	
		3	10604	
Rivercess	2	1	17712	35 540
		2	17828	
Sinoe	3	1	18919	47 891
		2	14820	
		3	14152	
Total number of registered voters for 2017 elections				2 183 629

Source: Compiled from http://www.necliberia.org/pg_img/FinalVR_Report_2017.pdf (accessed 1 October 2017)

While the stakeholders consulted by the EISA PAM did not raise major concerns regarding the constituency delimitation, there were concerns about the delayed release of the final registration roll (FRR). The EISA PAM noted, however, that the current delimitation does not guarantee equal value of the ballot because of the disparities between the number of voters on the register and the seats allocated. For instance, the largest district has 63,786, while the smallest district has 10,604. This difference of over 50,000 voters is the size of other districts.

4.2. Voter registration

The NEC is mandated to conduct the registration of voters. Section 3.1 A (1) of the New Elections Law (as amended) provides that the NEC “shall carry out voter registration for eligible citizens”. And Article 3.1 of the NEC Voter Registration Regulations stipulates that: “A Liberian citizen who has attained the age of 18 years or older, may register as a voter except one who has been judicially declared to be incompetent, or of unsound mind, or who has been disenfranchised as a result of a conviction of an infamous crime and has not been restored to citizenship.”

Voter registration in Liberia is periodic. The 2017 registration exercise was conducted using the Optical Mark Recognition (OMR) system that was used in previous elections.¹⁴

The PAM noted the continuity of the methodology and the possibility of deploying experienced staff. At the end of the registration process, voters were issued cards by which they will be identified on election day.

For the 2017 electoral process, the registration exercise took place between 1 February and 7 March 2017. An exhibition exercise was conducted from 12 to 17 June to give citizens an opportunity to review the voter list, request changes, rectify omissions, and object to the inclusion of ineligible voters. The PAM considered the exhibition and verification period as too short for an effective review of

the voters roll. A longer period should be considered for a better scrutiny of the roll.

For the 2017 registration exercise, the NEC established 2,080 registration centres, of which 300 were new centres. Voter registration centres were increased in number to accommodate new registrants as projected by the NEC. In its consultations with the NEC and other stakeholders, the EISA PAM was informed about the technical challenges experienced during the exercise, which were related to the codes assigned to new registration centres. The Election Coordinating Committee (ECC) in its first report on the registration process highlighted these challenges, which involved the allocation of different locations and codes to registration centres which the NEC also admitted that the coding system for registration centres led to inaccuracies in the provisional voter register that was published. In its consultations with the NEC chairperson, the PAM was informed of other technical challenges involving the cameras in the registration kits which delayed the completion of the registration process. There were also delays in the entire process because of delayed funds disbursement.

The PAM was informed about errors in the provisional register which the NEC picked up during the exhibition and verification process, and the NEC made a commitment to address the errors. These errors were related to the wrong codification of new registration centres, which resulted in the incorrect allocation of names on the provisional voter roll. The NEC released the FRR while the EISA PAM was in the country. The FRR has a final registration figure of 2,183,629 voters, of a total population standing at 4,299,944.¹⁵ In line with the legal framework, the NEC committed to providing full detailed copies of the register to political parties.

The PAM commended the efforts of the NEC to create a credible voters register. The PAM noted, however, that Liberia currently does not have a national civil registry against which to compare and verify voter registration figures, thus questions about the credibility of the register

¹⁴ OMR technology is based on a special paper form used to capture structured data, and a scanner used to translate the captured data into a database. In order to fill in an OMR form correctly, the relevant area on the form must be ‘shaded’ or ‘marked’. The use of OMR technology does not necessarily result in efficiency gains; rather, it shifts the workload to the local registration teams. Evrensel A. (2010), ‘Introduction’ Voter Registration in Africa, A Comparative Analysis, EISA. P.39 <https://www.eisa.org.za/pdf/vrafrica.pdf> (accessed 1 October 2017).

¹⁵ World Factbook, “Liberia,” Last updated on 1 August 2017 <https://www.cia.gov/library/publications/the-world-factbook/geos/li.html> (Accessed, 30 August 2017).

continue to linger. The PAM noted that there were concerns raised about the ‘trucking’ of registrants across constituencies to build support for specific candidates or parties. While these concerns may be genuine, there is neither recent population census data, nor a civil registry that provides details of citizenship and residency.

4.3. Political party registration and candidate registration

The Constitution of Liberia guarantees that “parties may freely be established to advocate the political opinion of the people” (article 77). As a consequence the political landscape in Liberia is very dynamic, with 26 parties registered by the NEC for the 2017 elections. The constitution of Liberia prohibits the establishment of a one-party system and enshrines the principle of open political competition in a multi-party system. Article 79 of the constitution provides criteria for the registration of parties, which include non-discrimination in admitting membership; establishment of party structures and party constitutions that uphold internal democracy through the periodic election of party officials; and the establishment of a party headquarters in the capital of the location where the party intends to contest elections.

As part of its key functions, the NEC is mandated to give accreditation and register all political parties and independent candidates who meet the requirements to exercise political franchise as set out in the constitution (section 2.9 {d} of the New Elections Act). For the 2017 elections, there are 26 registered parties.¹⁶

The New Elections Law (as amended) specifically mandates the NEC to screen candidates in elections (section 2.9 {n}). In line with this mandate, the NEC issued Candidate Nomination Regulations in May 2016 to establish the rules for candidate nomination in the 2017 elections. The regulations set non-refundable nomination fees for candidates as follows:

- Presidential candidates: \$2,500 USD
- Vice presidential candidates: \$1,500 USD

- Senatorial candidates: \$750 USD
- Representatives: \$500 USD

As part of the criteria for submission of applications, party-sponsored presidential candidates are required to show proof of property valued at \$25,000 USD, while independent candidates are required to show a proof of bank deposit not less than \$10,000 USD for presidential candidates, \$7,500 USD for senatorial candidates and \$5,000 USD for representatives candidates. Candidates are also expected to show proof of residency. Parties are also required to submit lists that include candidates for at least 50% of the constituencies.

The EISA PAM considers the further monetary requirements beyond the nomination fees as restrictive requirements that impact negatively on the right to stand for citizens who may otherwise qualify, but are not financially buoyant enough to meet these requirements. Furthermore, the PAM also considers that the criteria for independent candidates are more restrictive and could negatively impact on their right to stand.

The candidate nomination process for the 2017 elections commenced on 19 June 2017 and ended on 21 July after a 10-day extension of the nomination period, as it was initially scheduled to end on 11 July 2017.¹⁷

While sections 4.5 (a-b) encourage parties to ‘endeavour’ to ensure at least 30% representation of each gender on their list of candidates, the PAM noted that this provision is persuasive and was not strictly enforced.

In 2014, the National Code of Conduct for Public Officials and Employees of the Government of the Republic of Liberia was passed. The National Code of Conduct sets the principles guiding public officials and government employees in their duties and preventing the abuse of state resources. Part 5 of the code prohibits public officials and government employees from participating in politics and prohibits the use of state resources for politics. However, for officials who wish to stand for political office, the National Code provides timeframes within which

¹⁶ See appendix 2 for a list of registered political parties.

¹⁷ National Elections Commission (Liberia), “Latest Progressive Provisional Candidate Listing,” 23 July 2017, Accessed 1 September 2017, <http://www.necliberia.org/others.php?&7d5f44532cbfc489b8db9e12e44eb820=OTAY>

different categories of public officials have to resign their positions.

Section 5.2. states as follows:

Wherein, any person in the category stated in section 5.1 herein above, desires to canvass or contest for an elective public position, the following shall apply;

a) Any Minister, Deputy Minister, Director-General, Managing Director and Superintendent appointed by the President pursuant to article 56 (a) of the Constitution and a Managing Director appointed by a Board of Directors, who desires to contest for public elective office shall resign said post at least two (2) years prior to the date of such public elections;

b) Any other official appointed by the President who holds a tenured position and desires to contest for public elective office shall resign said post three (3) years prior to the date of such public elections;

c) However, in the case of impeachment, death, resignation or disability of an elected official, any official listed above, desirous of canvassing or contesting to fill such position must resign said position within thirty days following the declaration by the National Elections Commission of the vacancy.

In a March 2017 ruling, the Supreme Court upheld the constitutionality of the National Code of Conduct. Based on this ruling the NEC rejected a number of nominations, as the candidates did not comply with the requirement to resign their public offices within the stipulated time in the National Code of Conduct. The candidates appealed the NEC's decision at the Supreme Court and the Court ruled in their favour, noting that candidates who resigned after the deadline set in the National Code of Conduct but before the Supreme Court ruling or upon learning of the ruling did not egregiously violate the National Code. The Court also considered that their non-resignation was not part of the set criteria for candidate registration. Based on the court decision in July, the NEC's rejection of 22 out of 24 candidates was reversed.

The final list of candidates for the 2017 elections provides the breakdown below:

- Presidential and vice-presidential candidates: 20 candidates including 17 from political parties and 3 independent candidates
- House of Representatives: 984 candidates including 894 party-sponsored candidates and 90 independent candidates.

4.4. The media

The media in Liberia are considered to enjoy press freedoms and are able to operate without restrictions. It is important to mention that Liberia is one of the first African countries to pass a Freedom of Information law. However, there remains a gap in the framework for media regulation, as there is no regulatory body and there are no clear media regulation laws. The media are largely self-censored.

Media outfits largely operate through print and broadcast (TV and radio) media. Due to limited infrastructural development, there is also limited internet penetration in Liberia, hence the use of social media is yet to gain wide coverage beyond the urban centres. In terms of ownership of radio and TV outfits, there are six main categories: state media, radio stations owned by religious groups, privately owned TV and radio stations, community radio, the UNMIL radio, and some NGO radios. The public broadcaster, the Liberia Broadcasting Service (LBS), is under the supervision of the Ministry of Information. The print media also encompass a good variety of newspapers which are largely privately owned.

To regulate the participation of the media in the electoral process and foster responsible and accurate reporting the Press Union of Liberia (PUL) and the NEC adopted the Media Code of Conduct. While the PAM considers this a good practice, it also notes that in the absence of a media regulatory body, enforcement of press ethics and professionalism remain a challenge.

In its consultation with the Press Union of Liberia, there were concerns raised about financial constraints in the

media sectors, thus making most media houses reliant on paid political campaign adverts. It was also mentioned that election information disseminated by the NEC and other organisations involved in voter education are paid as well. This creates a gap in the effective dissemination of voter education and equitable media access to all parties.

The PAM noted that a number of the privately owned radios stations are owned by political actors, thus providing a platform for political propaganda in favour of such politicians and their parties. The EISA PAM considers that such a situation could impact negatively on the professionalism of journalists and the credibility of such media outfits. Furthermore, it tilts the playing field in favour of bigger and richer political actors. It is important that measures be put in place to mandate the public broadcaster to provide free and equitable airtime to all parties and for voter education programmes.

4.5. Civil society

Liberia has a vibrant civil society sector with civil society groups (CSOs) that are involved in all the phases of the 2017 electoral process through two main networks: the Elections Coordinating Committee (ECC) and the Liberia Election Observation Network (LEON). These coalitions serve as coordination platforms for civil society engagement in the electoral process. CSOs have been involved in civic and voter education and citizen election observation. The mission commends the initiatives of these groups to deploy long-term observers to observe and assess key aspects of the electoral process, specifically the voter registration, exhibition of the voters roll, candidate nominations/ party primaries, the campaigns, election day proceedings and results tallying.

The EISA PAM notes the reports of the ECC on civic and voter education in which it reported increased CSO involvement in the dissemination of voter education ahead of the elections. In its consultation with the ECC Chairperson, it was informed that during the election phase, the ECC will deploy 2,000 observers (1 per precinct), of which 800 will be deployed as rapid observers and the

other 1,200 will be deployed as secondary observers. For effective coverage of the vote tally process, 42 observers (2 per centre) will be deployed at tally centres and 2 at the national tally centre.

The PAM also learnt that the LEON has deployed 133 observers across the country since June to observe all aspects of the electoral process, and will deploy about 1,000 observers across the country on election day.

While the groups appreciate the value of a Parallel Vote Tabulation, due to time and financial constraints, this methodology will not be deployed during the elections.

Overall the PAM noted that CSOs are able to operate freely and to engage the electoral process as part of their right to participate in public affairs.

4.6. Gender and minority rights

Article 11 of the Liberian Constitution guarantees the equal rights of all citizens 'irrespective of sex'. The New Elections Law (as amended) further stipulates that political parties *"should endeavor to ensure that the governing body and its list of candidates has no less than 30% of its members from each gender ... and should endeavor to have no less than 30% of the candidates on the list from each gender."*

¹⁸As noted earlier in this report, these provisions are more persuasive than mandatory, and thus have achieved minimal impact in promoting greater participation by women. Although Liberia has produced Africa's first elected female president, there remains a gap, as the country is yet to achieve equal gender representation in political life. In the outgoing House of Representatives, there were only nine women.¹⁹

The EISA PAM commends the NEC for the efforts made to provide gender-disaggregated voter registration statistics. It also noted the commitment of the NEC to ensure gender balance in the recruitment of polling staff. EISA observers will assess the level of gender balance among polling staff on election day.

¹⁸ Article 4.5 (1b) and (1c) of the New Elections Law, 2014.

¹⁹ <http://www.ipu.org/wmn-e/classif.htm> (accessed 1 October 2017).

Although women represent 49% of the registered voters, only 163 out of 1,026 approved candidates are females in these presidential and legislative election, just 16%. Only one out of 26 parties, the Liberia Restoration Party (LRP), met the 30% benchmark. The LRP is also the only party to nominate a female presidential candidate. All others have fallen short, revealing a political culture which remains non-inclusive.

A genuine democratic election is one that is fully inclusive of all sections of the electorate. The participation and representation of PWDs in the electoral process in Liberia is an important indicator of the inclusiveness of the electoral process.

Sections 3.2 (b-c) and 4.2 (1b-c) of the New Elections Law (as amended) require the NEC to make arrangements to 'the extent possible' to make registration and voting centres/voting precincts accessible to Persons with Disabilities (PWDs) and to give them preference at registration and voting centres.

In its consultation with the National Union of Organisations for the Disabled (NOUD), the PAM gathered that the voter registration process was not largely accessible to PWDs, but NOUD undertook a campaign to raise awareness on the need for improved accessibility for PWDs. It also undertook advocacy to the NEC where it received the Commission's commitment to make efforts to make polling precincts more accessible and where possible to provide special tents for PWDs in places where there is a high number of PWDs. The NEC has also put in place arrangements to make tactile ballots available for visually impaired voters.

The PAM commends the NEC on the arrangements for the deployment of tactile ballot papers to improve the participation of visually impaired people and welcomed the efforts by the NEC to as far as possible locate stations downstairs and provide special tents for PWDs, especially users of wheelchairs.

4.7. Civic and voter education

The low level of literacy in Liberia remains a challenge to the electoral process. Results of the first round of voting in the 2011 presidential showed that 6.4% of the total votes cast were invalid. In the second round, invalid ballots constituted 3.5% of the votes, despite the very low turnout. This high rates of invalid ballots are indicative of the low level of voter awareness in the electoral process.

To address this gap, the NEC designed and launched civic voter education campaigns in August 2017 to reach out to prospective voters through various media, including print media, radio, internet, and face-to-face engagement. The Commission recruited and deployed civic educators and gender mobilisers across the country. The PAM observed a variety of civic and voter education drives with slogans such as 'Election is everybody's business', encouraging all the segments of the Liberian society to participate in the electoral process. The EISA PAM also noted the reports of the ECC observers highlighting the increased efforts of the NEC, CSOs and media houses to promote voter education. The EISA PAM was however not able to verify the depth of the voter education messaging to ensure that voters have a clear understanding of the procedures ahead of the 2017 elections.

Beyond voter education to mobilise voters to turn out on election day and to cast valid ballots, the EISA PAM also observed the efforts of CSOs and religious groups at promoting peace education to discourage violent and unruly behaviour in the electoral process.

4.8. Security

In anticipation of the 2017 elections, an Election Security Taskforce has been established to develop a coordinated strategy among key security agencies to ensure the security of the electoral process. The EISA PAM noted reports that security agencies have undergone training for election duty in preparation for their deployment. It was noted that the Liberian National Police (LNP) is very understaffed, with around 5,000 personnel. For effective security coverage on election day and during

results tallying, the LNP will be augmented by other state institutions such as the fire service and the correctional service.

Stakeholders consulted by the EISA PAM, especially political parties, attested to the improved professionalism and neutrality of the LNP so far in the 2017 electoral process. The police are considered to have improved their level of consultation and are being more community-friendly. The EISA PAM noted that there were no reports of incidents involving the use of force by the police during the campaigns thus far.

The political parties met by the EISA PAM commended the allocation of three police officers to each presidential candidate to provide round-the-clock security for these candidates. There were however concerns raised by some stakeholders about the deployment of so many police officers in light of the LNP's limited human resources. There were specific concerns about the need to increase security coverage in hot spots such as Monsterrado County, where there are concerns about the risk of violence.

The EISA PAM noted that the process has been largely peaceful so far, with only isolated skirmishes reported during the campaigns. The PAM also noted with concern the plan of the CDC to publish the findings of its parallel vote tabulation before the official declaration of the results by the NEC. This situation raises concerns, as it could give false hope to supporters of different parties before the official results are declared.

4.9. Campaigns

Article 10.19 of the New Elections Law (as amended) grants political parties and candidates the right to travel freely across the country to canvass for votes and to use public facilities during their campaigns. The official period of campaigns commenced on 29 July 2017 and will end on 8 October 2017.

The PAM observed a peaceful campaign, with a carnival-like atmosphere at all the campaign headquarters visited as

well as in the streets. The PAM also observed the practice of distributing 'freebies' to party supporters at campaign rallies. In some cases this involved the distribution of t-shirts and in others it involved the distribution of food items. This seemed to account for the large numbers that turned out for campaign events. Based on its consultations with stakeholders, especially observer groups, the PAM gathered that the campaigns have generally been peaceful and all parties have conducted their activities without undue restrictions. Political parties consulted by the PAM also expressed their satisfaction with the conduct of the LNP and the police response to the isolated incidents that have so far been reported. The NEC was satisfied that parties have largely complied with the terms of the agreed Code of Conduct. There have been no widespread reports of the use of hate speech, but there are reports of incitement, as many candidates insist that they must win the elections. Some of the opposition parties consulted by the PAM mentioned cases of abuse of the use of state resources, as some public officials have deployed the use of their official resources at campaign events organised by their parties.

The PAM also observed many cases of defacing of campaign materials in Monrovia. These reports were also confirmed by the reports of other observer groups such as the NDI, TCC and ECC.²⁰

4.10. Preparedness of the National Elections Commission (NEC)

The NEC is the institution mandated by the constitution to conduct and supervise all elections and referenda. To enable it to deliver on its mandate, the constitution empowers the NEC to establish management structures at the county level.

During his meeting with the EISA PAM the NEC chairperson acknowledged that the 2017 elections were more challenging from the perspective of operations and logistics due to a number of reasons: conducting the elections at the peak of the rainy season; reduced support of the UNMIL; and limited financial resources available

for the elections. Whilst noting these challenges, he expressed optimism about the readiness of the NEC to deliver on its mandate. To fill the gap created by UNMIL's limited involvement, the Commission has undertaken procurement processes through public tender for transportation of election materials and other logistics. The PAM noted that with the delivery of sensitive materials expected late in September, there may be logistical challenges with transportation of materials from Monrovia across the country. Further concerns exist about the logistics and security of the transportation of election results from the polling places to the national tally centre within the 15-day time limit provided in the law.

To augment its human resource capacity, the NEC recruits and trains personnel who are responsible for conducting the elections at the polling places. For the 2017 elections, the NEC has established 5,390 polling places. To effectively run the polling places, the NEC is required to recruit and train about 28,000 staff. At the time of the PAM's visit the recruitment of staff was ongoing, and training was expected to commence thereafter.

Whilst an election management body could be independent in its operations, the level of trust it receives from key stakeholders, especially political parties, is an important element that could make or break an electoral process. To maintain smooth relations with the political parties the NEC and 22 registered parties signed a Memorandum of Understanding regarding the strengthening of relations in 2016. This forms part of the Inter-Party Consultative Committee (IPCC) plan.²¹ The IPCC provides a forum for the NEC to engage with parties, update them on progress made in the electoral process and solicit their feedback. Most of the political parties met by the PAM mentioned that the relations with the NEC have been cordial so far and the IPCC has been a useful platform for information exchange and advice. The parties noted that some procedures were changed based on input from the IPCC.

A few opposition parties were however of the view that IPCC existed only for a one-way communication, as parties did not play a key role in setting the agenda; rather, the meetings are called when the NEC deemed such necessary. The PAM noted with satisfaction that, overall, most parties appreciate the efforts of NEC within the challenging context of its work and the parties show a good level of trust.

While the efforts of the NEC to keep an open line of communication with the political parties through the IPCC at the national level are noted, the PAM gathered that at county level, there is limited communication, as parties and magisterial offices all wait for direction from their different national offices. It is important to consider establishing county-level consultative platforms.

Public perception of the impartiality and credibility of an electoral commission is a crucial element in the outcome of elections. The EISA PAM notes that despite the challenges faced by the NEC during the voter registration and exhibition exercises, the stakeholders it met expressed confidence in the commission. The public trust in the NEC is mainly due to its engagement with the stakeholders through the meetings of the IPCC and its weekly press brief (every Wednesday at 11:00), which is seen as a good practice.

The PAM noted concerns raised by some political parties about the layout and design of the results forms, which they insist must have provision for results to be entered in both words and figures. Parties are of the opinion that this could be a fraud-prevention mechanism. Parties also did not seem to have clarity on the results management process, especially the proposed electronic transmission of results from polling places on a secure network to the district and national tally centres. As at the time of the PAM's visit, parties had not been invited to see a demonstration of the results transmission process.

The EISA PAM notes that despite the challenges faced by the NEC during the voter registration and exhibition exercises, the stakeholders met with expressed confidence in the commission.

Overall, the pre-election context, though challenging, is conducive to conducting competitive democratic elections.

²¹ Resolution of Registered Political Parties in Liberia, September 21-23 2016, http://www.necliberia.org/pg_img/Resolution%20of%20Political%20Parties.pdf (accessed 8 September 2017)

APPENDICES

Appendix 1: Stakeholders consulted by the EISA PAM

1. The National Elections Commission
2. Press Union of Liberia
3. Elections Coordinating Committee
4. The National Union of Organisations for Disabled
5. All Liberian Party
6. Alternative National Congress
7. Liberty Party
8. Unity Party
9. Congress for Democratic Change
10. National Democratic Institute (NDI) International Observer Mission to Liberia
11. The Carter Center International Observer Mission to Liberia

Appendix 2: List of Registered Political Parties

1. All Liberia Coalition Party (ALCOP)
2. Alternative National Congress (ANC)
3. Congress for Democratic Change (CDC)
4. Democratic Justice Party (DJP)
5. Redemption Democratic Congress (RDC)
6. Grassroot Democratic Party of Liberia (GDPL)
7. Liberty Party (LP)
8. Movement for Progressive Change (MPC)
9. National Patriotic Party (NPP)
10. Unity Party (UP)
11. Union of Liberian Democrats (ULD)
12. Victory for Change Party (VCP)
13. People's Unification Party (PUP)
14. Alliance for Peace and Democracy (APD) – UPP & LPP)
15. Liberia For Prosperity Party (LFPP)
16. Liberia Restoration Party (LRP)
17. Liberian National Union (LINU)
18. Liberia Transformation Party (LTP)
19. National Democratic Coalition (NDC)
20. True Whig Party (TWP)
21. Liberia People Democratic Party (LPDP)
22. All Liberian Party (ALP)
23. New Liberia Party (NLP)
24. Movement for Economic Empowerment (MOVEE)
25. Movement for Democracy and Reconstruction (MDR)
26. Vision for Liberia Transformation (VOL)

Source: http://www.necliberia.org/page_info.php?&7d5f44532cbfc489b8db9e12e44eb820=MjA5 (accessed 18 September 2017)

ABOUT EISA

INSTITUTIONAL BACKGROUND

EISA has since its inception in July 1996 established itself as a leading institution and influential player dealing with elections and democracy related issues in the African continent. It envisions an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment. The Institute's vision is executed by striving for excellence in the promotion of credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa.

Having supported and/or observed over 70 electoral processes in Africa, EISA has extensive experience in formulating, structuring and implementing democratic and electoral initiatives. It has built an internationally recognised centre for policy, research and information and provides this service to electoral management bodies, political parties and civil society organisations in a variety of areas, such as voter and civic education and electoral assistance and observation. Besides its expanded geographical scope, the Institute has, for the past several years, been increasingly working in new in-between election areas along the electoral and parliamentary cycle, including constitution and law making processes, legislative strengthening, conflict management and transformation, political party development, the African Peer Review Mechanism (APRM) and local governance and decentralisation.

EISA provides assistance to inter-governmental institutions, like the African Union, and the Pan-African Parliament, to reinforce their capacity in the elections and democracy field. The Institute has signed an MOU with the Economic Community of Central African States (ECCAS); the Economic Community of West African States (ECOWAS); the East African Community (EAC); and the Common Market for East and Southern Africa (COMESA). Within the framework of these recently signed memoranda, the Institute will also provide similar assistance respectively these intergovernmental institutions. Its MoU with the African Union was also renewed in 2014.

With its headquarters in Johannesburg (South Africa), EISA has had field offices across the African continent and currently has offices in Democratic Republic of Congo, Madagascar, Mozambique, Somalia and Zimbabwe, and a regional liaison office at the secretariat of the ECCAS in Libreville, Gabon.

Election observation activities

EISA has deployed continental observer missions for the past ten years including missions to Angola (2008), Botswana (1999, 2004, 2009), Central African Republic (2010, 2011), Democratic Republic of Congo (2005 referendum, 2006 elections), Egypt (2011, 2012, 2014, 2015), Ghana (2008, 2012), Guinea Conakry (2010), Lesotho (1998, 2002, 2007, 2012, 2015, 2017), Liberia (2011), Madagascar (2005, 2007, 2013), Malawi (1999, 2004, 2009), Mauritius (2000, 2005, 2010, 2014), Mozambique (1999, 2004, 2009, 2013, 2014), Namibia (1999, 2004, 2009), Senegal (2012), Seychelles (2011), South Africa (1999, 2004, 2009, 2014, 2016), Tanzania (2005, 2010), Uganda (2011, 2016), Zanzibar (2005, 2010), Zambia (2005, 2008, 2011, 2015, 2016), and Zimbabwe (2000, 2002, 2008), Reports on these missions can also be found on our website.



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About EISA

EISA is a not for profit organisation established in 1996 based in Johannesburg (South Africa) with field offices in Democratic Republic of Congo, Gabon, Madagascar, Mozambique, Somalia, Zambia and Zimbabwe.

Our vision

An African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment.

Mission statement

EISA strives for excellence in the promotion of credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa.

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SWEDEN

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