

THE
CARTER CENTER



First Carter Center Pre-Election Report on Liberia National Elections, October 2005

30 Aug 2005

Note: This report is supplementary to the Carter Center's "Pre-Election Statement on the 2005 Liberia National Elections," released on August 28, 2005. It is intended to be read together with the statement, providing additional observations and details.

In support of Liberia's transition from more than two decades of recurring civil conflict to reconciliation and reconstruction, The Carter Center is pleased to contribute to the Oct, 11, 2005, presidential and legislative elections as international observers. These elections are an essential element in the process towards sustainable peace, as expressed in the Comprehensive Peace Agreement (CPA) signed in Accra in Aug. 2003.

The Carter Center established an International Election Observation Project office in Monrovia in July and since then has deployed a field office director and three teams of long-term international observers (LTOs), who will observe election developments nationwide. Carter Center LTOs have visited 13 counties so far, meeting with election stakeholders in each location, including potential voters, representatives of the National Election Commission (NEC) and county government, political parties and independent candidates, civil society organizations, and officials of the United Nations Mission in Liberia (UNMIL). In addition, from Aug. 11-17, a Carter Center staff team met in Monrovia with senior representatives of the National Transitional Government of Liberia (NTGL), UNMIL, the NEC, political parties, civil society groups, and the international community.

The purposes of the Center's Liberia Election Observation Project are to present an accurate report of observations so far about the environment surrounding the upcoming elections and to identify issues that could be problematic as the election process goes forward.

SUMMARY OF OBSERVATIONS

As noted in the Carter Center's August 28 pre-election public statement, the team found that, "despite enormous logistical challenges and post-conflict conditions, electoral preparedness appears good at this juncture and the prospects for a competitive election seem high.... There are real prospects at this time that the will of the people may be accurately and peacefully reflected through these elections." The team noted that the process is not without problems, which are described in the statement and in more detail below. Liberians are clearly eager for the elections to take place peaceably, and they are presently well served by a hard working NEC. In addition, the elections will benefit

greatly from the security and support provided by Liberia's international partners, particularly from the Economic Community of West Africa (ECOWAS) and from the approximately 15,000 peacekeeping troops of the United Nations Mission in Liberia (UNMIL), the largest UN deployment in the world. Constructive support and funding from the United States, the European Union, and a number of other donors also has enabled election preparations to proceed well thus far.

More than 1.3 million Liberians (50% of whom are women) registered to vote, representing 90% of a UN estimate of 1.5 million eligible voters. Twenty-two political parties have been certified by the NEC, and 762 total candidates are running for all offices, including for President, Vice-president, Senate, and House of Representatives. Nationwide voter education initiatives and an enthusiastic start of the campaign period on Aug. 15 are other indicators that a wide range of Liberians are becoming robustly involved in the 2005 election process.

The Carter Center commends the people of Liberia for the peaceful and successful progress made so far in preparation for these important elections. Several stakeholders deserve specific mention. Most people with whom Carter Center LTOs and delegates met indicated that NEC personnel are performing their duties in a neutral manner, although there may be some problems in specific counties. In addition, three coalitions of domestic election monitors are planning and training and some already have deployed. Their monitoring efforts will be essential to the credibility of the elections. Leaders and members of all registered political parties are to be particularly commended for having signed Liberia's first ever voluntary Political Parties' Code of Conduct, committing themselves to minimum standards for conducting a peaceful and fair campaign, including enforcement mechanisms for any infractions. [A copy of the code is linked here]. In addition, political parties have formed several coalitions and alliances, and actively taken part in coordination meetings with the NEC, political party capacity building workshops organized around the country, and public forums and radio call-in shows to debate issues of public concern. These are all positive developments. Of particular note is that party representatives told us they believe that the election process is, at this stage, one that will allow them to be competitive.

OBSERVATIONS AND RECOMMENDATIONS

Election Security: Three interrelated factors, noted by most individuals with whom the Carter Center team spoke, point to continuing concerns about security before, during, and after the elections.

- 1. Potential for Campaign Violence.** The opening days of the campaign period raised worries for many people that the enthusiasm of political party supporters could lead to violent confrontations among partisans during the campaign period, which continues through Oct. 9. Carter Center observers in Monrovia witnessed the appearance of thousands of posters for candidates on Aug. 15, and a subsequent day of boisterous and occasionally intimidating displays of partisanship. This including the tearing down of campaign posters—some of which were posted on private property—and large street marches. In response, the NEC and the Ministry of Justice (MoJ), which has responsibility for the Liberian National Police (LNP) and other security agencies, re-opened discussions with representatives of political parties and independent candidates to try to agree on regulations governing political rallies and other campaign

activities. Although discussions among the parties and the NEC about these issues began long in advance, it is unfortunate that they were not resolved before campaigning began. The Carter Center welcomes the ongoing dialogue, while recognizing that it is important to resolve this issue swiftly in order to allow parties to properly organize their campaigns.

2. Vulnerability of Rural Polling Places. We were told repeatedly of the enormous logistical challenges in administering the elections and of how the inaccessibility of some polling places also presents security concerns. Due to the appalling state of the road system, polling places in a number of counties will require UNMIL helicopters, porters on foot, or other extraordinary means to deliver election materials before election day and to transport ballots securely after voting and counting is complete. In these locations, polling staff and election materials could be vulnerable to interference. The LNP and personnel in other departments under the auspices of the MoJ are receiving training in election security, and the MoJ told us that it will be deploying one member of this security staff to each of 3,212 polling places. UNMIL troops will provide mobile backup security, traveling among polling places.

The Carter Center recommends that UNMIL security personnel, who enjoy the confidence of many Liberians, be posted nearby to as many difficult-to-reach polling places as possible, in support of LNP's primary role. This is particularly important if, in the next months, the LNP is unable to train sufficient security agents to cover all polling places, or that the public has greater confidence in UNMIL. Domestic and international election observers also should endeavor to coordinate with the NEC and UNMIL to monitor election day at these vulnerable locations, though observers will face the same logistical challenges as NEC officials. One of the most important times in the electoral process will be after the counting stage, when ballots are transported from polling and counting places to county electoral offices. To ensure ballot security and the integrity of the process, election observers and representatives of parties and candidates should be prepared to monitor events until the counting process is complete and then follow the ballot boxes to the county electoral office, whenever logistically possible. According to the newly published NEC Counting Procedures, UNMIL Election Supervisor/Election Support Officer (ES/ESO) teams will have responsibility for ensuring that all election materials reach the county offices securely.

3. Ex-Combatants. As part of the CPA, former combatants were demobilized and disarmed (DD) and most were assured a package of benefits to facilitate their rehabilitation and reintegration (RR) into their communities. Although the DD process has ended around the country, UNMIL confirms that some small arms are still being discovered and some ex-combatants may retain access to arms, including in former strongholds such as Lofa County. Of concern, the RR process has not been fully funded, in part because the numbers of those demobilized far exceeded estimates. In some locations, such as in some parts of the southeast of the country, the RR process seems to have proceeded successfully. In other areas, ex-combatants have not yet received all of their skills training, education scholarships, or other benefits. Disturbances in Ganta (Nimba County) earlier this year indicate the volatility of the situation and the potential for violence that could disrupt the election process. NEC officials were

turned away in April from Guthrie Plantation, where negotiations toward disarmament are still continuing with a group of ex-combatants. NEC was forced to locate a registration site outside the property, and political parties report that they are having difficulty campaigning in the area.

UNMIL has taken steps to address this serious problem and this process must continue. We welcome the announcement from the new UN Special Representative of the Secretary-General (SRSG), Alan Doss, that these DDRR issues are among UNMIL's top priorities.

4. Potential for Civil Disturbance. The prices of basic staples like rice have increased significantly this year, and food shortages are currently reported in some areas of the country. The price of fuel has risen by 50 percent in the past weeks, which has an impact on the cost of transportation of all other goods into and around the country. In the context of endemic unemployment and poverty in Liberia, the possibility exists for rising prices to spark public unrest. The relevant authorities should monitor rising food and fuel prices closely. In addition, steps need to be taken to resolve potential conflict over scrap metal sales in Buchanan and to communicate the government's policies clearly to the public.

Transparency and Election Administration: The neutrality of election officials is of paramount importance. Most people commended the leadership and personnel of the NEC for, in most cases, their transparency and professionalism. The Carter Center applauds the NEC for its dedication and hard work under very difficult circumstances. The support the NEC has received from UNMIL and IFES also has been essential to the commission's success to date. Nevertheless, some issues of concern were brought to our attention.

1. UNMIL and the NEC. Due to the delay in the passage of the revised election code, there was a compressed period for elections. An electoral timetable was developed by the NEC and the initially under-staffed UNMIL Electoral Division that was overly based on operational considerations, rather than on the CPA, Constitution, and election laws of the country. There have been related significant delays in NEC voter education efforts and other problems, in part caused by failures in donor coordination.

Carter Center LTOs found that while UNMIL election staff and NEC personnel at the county level generally are working in close and productive cooperation, tensions or misunderstandings between UNMIL and NEC personnel in Grand Bassa and Bomi counties exist that need to be resolved.

2. Electoral Complaints. Several electoral complaints have been presented formally to the NEC by political parties and others, and almost all of these have been dealt with through a transparent process. For example, the NEC responded firmly and evenly to accusations among political parties of illegal early campaigning. Several complaints have been potentially significant, including suggestions that more than one of the presidential and vice-presidential candidates may hold dual nationality. After reviewing these complaints, the NEC said that insufficient evidence had been provided to prove the accusations, giving the NEC no basis upon which to take any action. The NEC has pointed out that

it is not an investigatory body and that it therefore relies on evidence being brought to its attention in such cases.

In addition, five individuals seeking to run for president as independent candidates were not approved during the nomination process, which ended Aug. 12, because of failures to meet one or more of the technical requirements. Local media are still printing stories about this issue, and at least one of the would-be candidates is expected to initiate a court case. Several civil society groups also have indicated that they have not received satisfactory responses about their petitions to the NEC Commissioners identifying issues of concern, including dual nationality of candidates and the use of state resources by candidates who are current members of the National Transitional Legislative Assembly (NTLA).

NEC officials in Monrovia have been very responsive to all requests from The Carter Center, but in 11 of the 13 counties visited by Carter Center LTOs and staff, NEC magistrates and other personnel were not present in their offices. This inaccessibility may have been caused by either the increased mobility of NEC officials to serve communities outside the county seat, or the need for county officials to travel to Monrovia for training. However, it may indicate limited staffing and resources at the county level and/or a problem of unavailability to the public and other stakeholders at the county level. The consistent presence of NEC county coordinators is encouraging, but insufficient, since they told LTOs that that they are not empowered to distribute materials or information.

All Liberians should be encouraged to bring their electoral complaints, substantiated by credible evidence, to the NEC for resolution, before going to the courts or the media, and to recognize that the NEC is not an investigatory body. The Carter Center encourages the NEC to take all possible steps to prepare NEC magistrates, Commissioners, and staff to respond to public inquiries and to resolve the diversity of electoral complaints that will arise. In addition, the Center recommends redoubled efforts by the NEC to communicate consistently with other stakeholders, including the media and political parties and candidates, about its dispute resolution methodology and the results of its deliberations. Doing so will enhance the transparency of the process, increase stakeholders' confidence in its fairness, and diminish the potential for complaints to become conflicts.

3. Communication with Political Parties and Candidates. Several parties and candidates expressed dissatisfaction with various elements of the NEC's election calendar and administration of the process. For example, the election calendar provided for a period of time before any electoral contestant could campaign so that potential new parties and candidates could canvas for supporters' signatures and fulfill other registration requirements. Representatives of some political parties (and some of the 17 would-be candidates whose nominations were not accepted) have indicated that these periods in the election calendar were inadequate and that the NEC procedures on this and other themes are often either explained too late, ineffectively communicated, or changed in the middle of the process.

These concerns point to the need for increased, consistent communication between the NEC and political parties and independent candidates. The NEC is

to be commended for initiating an Inter-Party Consultative Council (IPCC) in March that is meant to facilitate regular dialogue between political parties and the NEC. These meetings have served their purpose well at times, but we understand that they are sometimes cancelled or delayed, and that party representatives' attendance is not consistent. The Carter Center recommends that these meetings be held weekly during the remainder of the election process, during which there will be many important matters to discuss, and that senior party and candidate representatives attend regularly. In addition, we learned that these meetings are now beginning at the county level, which we fully encourage.

Additional Challenges Ahead for the NEC.

1. Enforcement of Campaign Finance Law and Regulations. For these elections, Liberia has a set of updated regulations and procedures governing the financing of political campaigns. They are among the most comprehensive on the continent, including restrictions on the sources of campaign funds, prohibitions against vote buying and disclosure requirements that provide public access to campaign finance information provided by their candidates. Carter Center delegates have been told by several parties and candidates that they intend, for example, to distribute rice and other items of value (which could include cement, education scholarships, or community development projects) to voters or communities, as has been common practice during political campaigns in the past. Some observers told the Center that Liberian voters have sufficient confidence in the current electoral contest to accept such gifts, but vote according to their conscience. Other analysts express concern that voters understand campaign gifts, which sometimes fulfill urgent needs, as appropriate payment for political support, and feel entitled to nothing more after their representatives are elected. Terms like "bribery" are inadequately defined in the 2004 Election Reform Law and subsequent regulations.

In addition, we heard from some party representatives that the new campaign finance regulations are unrealistically onerous, given the circumstances of Liberia and how late the regulations were presented to the parties. Another concern is that the NEC does not have sufficient resources to audit all of the reports required to be submitted by parties and candidates. Audits may be conducted by the NEC, which has 70 days after each reporting period to release its findings. It seems possible therefore, that the results will not be known until after the elections. It was also noted that the Ministry of Finance, which was responsible for certifying every candidate's tax payments, was inadequately prepared for this task, and it was alleged to us by a number of candidates that some staff accepted payment in order to expedite the certification process.

Lastly, many individuals currently serving in the NTGL or the NTLA are running for office representing various political parties or as independents. We were told that it is an "open secret" that state resources are being used by certain political parties for campaigning. Meanwhile, we were told that the national government has come to a standstill as officials in the executive and legislative branches are out campaigning. There are calls for these individuals to step down from public office now, in order to demonstrate their commitment not to "utilize public resources for campaign activities" or "receive any contribution resulting

from an abuse of state resources,” which contravene Section 6 of the 2005 Campaign Finance Regulations. It should be noted, however, that it is not common international practice for government officials to give up their positions in order to campaign.

It is hoped that the 2005 election process will provide an opportunity for voters, parties, and other stakeholders to learn more about these campaign finance issues and continue to enhance the implementation of the regulations for future elections and as part of an increasing national commitment to transparent financial administration in all public and private sectors. Meanwhile, meaningful enforcement of the campaign finance regulations is important to ensure that they are not dismissed by political parties and independent candidates during this and future election processes. Civil society groups under the umbrella of the CMC will endeavor to monitor parties' and candidates' adherence to the regulations. In order to facilitate public scrutiny efforts, the Center encourages the NEC to make public the disclosure forms and reports submitted to it as soon as they are received. In the longer term, language such as “bribery” will need to be more specifically defined in the law in order to ensure party and candidate compliance.

2. Civic Education. Given the very complex balloting procedures that will be necessary during these three-race elections, a national illiteracy rate as high as 85%, and a very challenging logistical environment, robust voter education efforts must be the joint responsibility of the NEC, civil society groups, and political parties. Stakeholders in all 13 counties where Carter Center observers have visited urge an increased commitment to civic and voter education that goes well beyond the date of the election, and includes a desire to discuss the secrecy of the ballot and how to choose good political leaders. In addition, male and female educators should be recruited and trained in the counties so that they are more likely to speak local languages and know the people and terrain, especially in order to reach underserved rural areas and encourage women's political participation. Public education efforts got started belatedly during the voter registration process in April and May, potentially disenfranchising some rural eligible voters, and have been minimal since that time, despite the investment of funds and technical assistance by the United Nations Development Program (UNDP), National Democratic Institute (NDI), the EC Bi-Lateral Election Programme, and other donors and implementing partners. The NEC is currently training a cadre of civic educators around the country, and it is hoped that a wide range of voter education methodologies and materials will be evident around the country at the beginning of September.

3. IDP and Returning Refugee Voting. There may be as many as 300,000 Liberian refugees in Ivory Coast, Guinea, Sierra Leone, and elsewhere, as well as nearly 200,000 internally displaced people (IDPs). The NEC established registration centers in IDP camps and extended the voter registration period for two weeks in order to enable additional returning refugees to register. According to NEC statistics, a little more than 61,000 IDPs registered to vote, with 71 percent of these opting to vote in their home counties. Current procedures will not enable IDPs who chose to register to vote in their home counties, but do not return home to vote on election day, to vote. IDPs have indicated to Carter Center LTOs, however, that they were implicitly promised assistance to return home if they registered to vote. IDPs also are currently threatening to burn their

voter registration cards in protest if their voting is not facilitated. It is not clear how much accurate information and voter education reached refugees outside the country, but turnout was very low, relative to other segments of society, during the extended registration period.

Section 7 of the 2004 Electoral Reform Law provides that the NEC is authorized “to adopt administrative and operational measures which are necessary and expedient ... to facilitate the registration and voting of those Liberians ... who have been displaced from their home communities ... as a result of war, civil disorder, or human rights abuses.” The NEC “shall also adopt measures to facilitate the registration of internally displaced persons and [refugee] returnees after the registration deadline where justifiable reasons for failure to register before the deadline are shown.” The Carter Center welcomes SRSG Doss’ recent reassurances that facilitating IDPs’ and refugees’ homecoming is among UNMIL’s priorities. The Center also encourages the NEC to consider any and all policies, given time and logistical constraints, to enfranchise as many IDPs and returning refugees as possible. If additional options are considered, the Center recommends increased voter education efforts within Liberia and refugee camps in order to ensure their meaningful choices about whether and how to participate.

4. Voter Identification Cards. The photo identification provided to voters during the registration process is valuable to citizens who, in many cases, have no other personal identification and went to considerable effort to register to vote specifically in order to acquire the multi-purpose identification card. Indeed, voter education efforts during the registration period emphasized this secondary benefit to registering to vote. Carter Center delegates understand that NEC procedures for polling day involve punching holes in voter registration cards in order to deter double voting. However, the use of indelible ink already serves this purpose, along with the presence of photographs and ID numbers on the voter registration cards. The Carter Center encourages the NEC to reconsider the card punching policy in order to avoid defacing the valuable identification cards it has provided to a population that often lacks any other personal documentation.

5. Hiring Polling Place Staff. With six people working as a team in most of 3,212 polling places around the country, more than 18,000 Liberians will need to be recruited and trained by the NEC and UNMIL as polling and counting officials during the next month or so. The Carter Center recommends that locally-based NEC officials and UNMIL officials work closely together to help ensure that nonpartisan women and men from the counties who speak local languages are hired to help ensure that rural voters can cast their ballots on election day.

Challenges for Political Parties and Independent Candidates. According to several standard bearers and party representatives whom The Carter Center met, the 2005 national elections already are the most competitive in Liberia’s history. Carter Center LTOs noted the presence of at least a half dozen political parties in all counties they visited, even before the campaign period began, and the level of campaign activity in the counties is increasing. We have heard the following issues from people in the capital and the counties:

1. Regional Assistance for Parties. It is encouraging that party representatives in most counties have indicated their desire for more information and control at the local level. Representatives from most, but not all, parties complain that local candidates were identified by their headquarters in Monrovia and that political platforms are being developed without consultation with county representatives. They consistently request more information about the Political Parties' Code of Conduct, the campaign finance regulations, and other election regulations and procedures. As campaigning extends to the counties, The Carter Center encourages parties and candidates to engage their local representatives and voters as fully as possible through consultation with those who understand local communities' needs best, including local candidate roundtables and other public forums, and interaction with local radio stations. The Carter Center also recommends that the NEC and political parties and candidates hold IPCC meetings in all counties, as some are already doing, in addition to the Monrovia meetings.

Section 15.2 of the NEC's Guidelines Relating to the Registration of Political Parties and Independent Candidates mandates that "Each political party shall ensure that 30 percent of the candidates nominated for public elective offices ...shall be women." A few political parties have made significant efforts to follow this guideline, but most have not done so. In the few cases in which women have attended meetings with Carter Center LTOs, they represent the "women's wing" of the party and/or remain silent. The Center notes that two presidential candidates and one vice-presidential aspirant are women, and commends parties that chose women to be more than 20 percent of their nominated candidates. There is still time for all parties and candidates to ensure that women become more involved in political decision-making, campaign management, and representation in polling stations to monitor election day.

2. Vote Buying. Although elections are primarily related to civil and political rights, economic and social rights issues are usually deeply relevant also. This is especially true in contexts like Liberia where poverty is the norm for most voters, making them particularly vulnerable to the influence of money in politics. These issues have electoral significance as the campaign period gets underway and candidates seek to attract supporters. In accordance with the prohibition against "bribery" in the Election Reform Law of 2004, The Carter Center encourages political parties and candidates to renounce "vote buying," or taking advantage of voters' economic vulnerability in any way for political gain. Voter education messages should include the theme of ballot secrecy to reassure voters that they are not obligated to vote for any candidate for any reason.

3. Focusing on Issues that Matter to Liberian Voters. The Carter Center commends all of the candidates around the country who are presenting their platforms publicly to help inform the voting public about their choices during this election, including participation in public debates. These manifestos should be as specific as possible about how each party or candidate intends to address the many challenges facing Liberia. The Center expresses its hope that candidates will continue talking with voters around the country about constituents' needs and aspirations, and encourages voters to continue to demand information and responsiveness from the candidates in advance of the elections and from their elected representatives after their inauguration in January 2006.

4. Training Party Representatives to Monitor Polling and Counting. Political parties and candidates are encouraged to begin training representatives in each county to monitor the voting and counting processes in as many polling places as possible. Carter Center LTOs report that almost all political parties are waiting for guidance from the NEC to get this process started. While it is true that the NEC ultimately must accredit all party and candidate representatives so that they may have access to polling places, parties and candidates should begin developing plans for recruiting, training, and providing resources for these representatives as soon as possible.

CONCLUSION

The people of Liberia have endured years of civil conflict punctuated by problematic national elections in 1985 and elections in 1997. Liberians have the opportunity now to turn away from this past of conflict, displacement, false hopes, and corrupt or violent leadership. The Carter Center expresses its hope that the 2005 presidential and legislative elections will result in a government that unifies Liberians and that reflects the will of Liberian voters.

The Carter Center will continue to monitor the 2005 election process and to offer recommendations to all electoral stakeholders through November 2005.

THE CARTER CENTER IN LIBERIA

The Carter Center has been active in Liberia since 1990, when former U.S. President Jimmy Carter was asked to contribute to peace-building efforts. A Carter Center international delegation observed the 1997 elections, and the Center's Monrovia office worked with local partners on projects related to the rule of law, press freedom, and human rights until the year 2000. The Center is, observing the 2005 elections according to the NEC Code of Conduct and has been welcomed by all major political parties.

The Carter Center and the NDI will partner to conduct an assessment of the campaign period during the first week of September and will deploy approximately 30 international observers around the country during the week of the elections. Former U.S. President Jimmy Carter will co-lead the October delegation. The Center and NDI will remain in Liberia through the end of November to monitor post-election developments.

The Carter Center is an independent, nongovernmental organization that has observed 59 elections in 25 countries. In accordance with international standards, Carter Center observers do not seek to interfere in or certify the Liberian electoral process and are neutral as to its results. Ultimately, these elections belong to the people of Liberia, and the credibility and meaning of the election process will be assessed by them.