



THE CARTER CENTER



**PRELIMINARY STATEMENT OF THE NDI / CARTER CENTER
INTERNATIONAL OBSERVER DELEGATION TO THE 2005 LIBERIA ELECTIONS**
Monrovia, October 13, 2005

This statement is offered by the 40-member multinational delegation jointly organized by NDI and The Carter Center. The delegation was co-led by former U.S. President Jimmy Carter and former President of Benin Nicéphore Soglo. The delegation included elected officials, electoral and human rights experts, regional specialists and political and civic leaders from 14 countries in Africa, Europe and North America.

The delegation has conducted its activities in accordance with Liberian law and the Declaration of Principles for International Election Observation. NDI and The Carter Center recognize that ultimately it is the people of Liberia who will determine the credibility of the election process; we do not seek to interfere in the process.

The delegation wishes to stress that the tabulation of results is still underway and that any election complaints and challenges that may be lodged will take some time to address in accordance with the rule of law. This statement therefore is preliminary in nature. Further statements may be released in the post-October 11 period, and a final report will follow shortly after the election process is completed. Subsequent reports concerning the Liberian election process, as well as those issued previously, will be found on the two organizations' respective web sites. (See below.)

I. SUMMARY

Liberians went to the polls in massive numbers on October 11 and demonstrated their strong desire for peace and democratic governance. The election process thus far underscores that the country is poised to turn an historic corner towards sustainable peace and democratic progress. Should this be accomplished, there would be important benefits for stability and development here and in the sub-region.

Liberia's 2005 elections offer the opportunity to break with a history of armed conflict, authoritarian rule and the politics of exclusion. Following a remarkably peaceful and highly competitive electoral campaign, voting across the country was virtually violence free, orderly and well administered in most of the areas that this delegation was able to observe.

The crucial vote tabulation process remains to be completed, and any formal electoral complaints that may be lodged must be processed fairly and expeditiously. Patience as well as vigilance to ensure confidence in the results therefore are needed.

Should a runoff be required, massive voter education must be conducted. That campaign should address the reasons for a runoff as well as voting procedures and the nature of the political choice being presented. A major problem identified in the October 11 poll was the widespread need for voter assistance due to the lack of understanding of voting procedures and in many cases a lack of understanding concerning the nature of the choice among the candidates.

It is critically important that all of the stakeholders – government and electoral officials, candidates and political, religious and civic leaders – act responsibly in the days immediately ahead to ensure that the process remains on track. There are serious challenges to face in meeting this goal, and the international community should do everything possible to provide its continued assistance.

As the process unfolds, those who appear to be the winners of these elections should be magnanimous, while those who do not win the right to advance to the potential presidential runoff or to seats in the legislature should be gracious in accepting credible results. At the same time, all sectors of Liberian society should join in embracing the difficult national challenge of establishing inclusive, democratic governance. This is all the more important because some of the factors that contributed to conflict and frailty of the Liberian state still exist and will continue to challenge society as it moves beyond the elections.

Recommendations are offered at the end of this statement.

II. OBSERVATIONS

In order to accurately characterize an election process, all of its aspects must be considered. At this juncture, the National Elections Commission (NEC) is still in the early stages of tabulating results, having announced approximately 10 percent as of 11:00 am today. Plus, the electoral complaints and appeals process is incomplete. It is therefore impossible to draw any conclusions about the overall character of the election process at this time.

A. Electoral Framework

The CPA. In the summer of 2003, a combination of armed insurgency and international pressure brought Liberia to a crossroads. On August 11, then-President Charles Taylor stepped down and accepted asylum in Nigeria. The Comprehensive Peace Agreement (CPA) signed in Accra by representatives of Taylor's former government and armed militias (the LURD and MODEL), plus political parties and civil society organizations defined the terms of the ceasefire. A month later, the UN Security Council authorized the United Nations Mission in Liberia (UNMIL), and the Secretary-General appointed a Special Representative in Liberia.

The CPA defined the structure and scope for a transition authority – the National Transitional Government of Liberia (NTGL) – that would guide the country to elections in October 2005 and the installation of an elected government by January 2006. It suspended parts of Liberia's constitution until an elected government is installed. It also established a mediation process, whereby the international community would settle disputes within the NTGL concerning application or interpretation of the CPA. ECOWAS took the lead in this, and General Abubakar of Nigeria remained the Chief Mediator.

The CPA signatories chose Gyude Bryant, a business leader and member of the Liberian Action Party (LAP), to serve as Chairman of the NTGL. The signatories also negotiated for themselves positions in the NTGL and the 76-member National Transitional Legislative Assembly (NTLA). Faced with the daunting task of resuscitating state institutions that had been decimated during Liberia's civil conflicts, and simultaneously implementing the CPA and ceasefire, the NTGL has been responsible for promoting reconciliation and supporting the preparation and conduct of the 2005 elections.

Legal Framework for Elections. The elections are being conducted under the framework of the CPA. While the CPA set the timetable for elections and a number of other elements regarding the electoral process, it left unresolved a number of procedural issues related to the elections. The

NEC drafted and the NTLA passed after three months of delay the Electoral Reform Law of December 2004. The NEC set forth a number of regulations, guidelines and handbooks to fill in the electoral framework. Elements of the Constitution not suspended by the CPA also make up the legal framework for the 2005 elections.

The legal framework compares favorably to international practice for democratic elections. Campaign finance regulations, for example, are among the most comprehensive on the continent, though they are difficult to implement in Liberian conditions. Provisions concerning voting for persons with physical disabilities are also highly developed, which is particularly relevant in societies that have suffered armed conflict. One problematic area concerns ambiguities in the processing and resolution of electoral disputes and challenges of election results.

B. Election Administration

The NEC enjoys a remarkable level of public confidence. Political party representatives, most candidates and the news media expressed views that the NEC, with its robust support from UNMIL and other international organizations, such as IFES, conducted activities throughout the pre-election period with impartiality and competence.

The NEC addressed the need for new election districts, organized the voter registration process (which was the focus of a pre-election delegation organized by the International Republican Institute (IRI), in which NDI and The Carter Center participated), conducted voter education, which was also carried out by numerous NGOs, administered candidate qualification, organized production and distribution of electoral materials, and trained approximately 18,000 polling officials for the 3,070 voting precincts around the country.

A number of concerns were expressed about the extraordinarily difficult logistical conditions faced by election administrators, political parties and voters. Roads ravaged by years of war presented transport problems, which were compounded by a difficult rainy season. For example, approximately 10 percent of the electorate votes are in voting places that are one hour to four days walk from the last point where polling materials can be transported by vehicle. Some of these are in areas that are difficult to reach even with the assistance of UNMIL helicopters. The NEC and UNMIL put forth extraordinary efforts to ensure delivery of polling materials to these locations.

Questions were raised about the number of ballots printed and ballot security. The NEC introduced transparency into the ballot production and distribution process and offered specific formulas for the number of ballots to be delivered to voting places. It also explained various ballot security measures, but it did not satisfy all questions raised by candidates, civil society leaders and some international observers.

Electoral Districts. The entire country serves as an electoral district for the direct election of the President of the Republic. To assume this office a person must win 50 percent plus one vote on election day, or the top two vote-getters face each other in a runoff election on the second Tuesday after the announcement of the final official electoral results. It is anticipated that the runoff date would be November 8, should one be deemed necessary.

Each of Liberia's 15 counties serves as an election district for the choice of two Senators per county (for a total of 30 Senators). Two Representatives were allocated to each county and the remaining 34 were apportioned among them according to the number of registered voters (in the absence of reliable census data), with a maximum of 14 seats awarded to any county. Sixty-four electoral districts were established for the 2005 elections with input of registered political parties and

without significant controversy, even though there is a large disparity in the ratio of constituents to representative among various counties.

Voter Registration. Liberians registered to vote in extraordinary numbers, particularly in light of the difficult logistical circumstances in the country. Approximately, 1.35 million people registered to vote out of an estimated 1.5 million eligible persons (approximately 90 percent). Half of the registrants were women, and approximately 40 percent of the registrants were between 18 and 28 years old. This demonstrates a determination among the population – particularly among women and young people – to turn away from using violence to determine who will hold governmental power.

Among the internally displaced persons (IDPs) located in camps, 71 percent chose at the time of voter registration to indicate that they would return to vote in their home counties. As time drew near to the election date, it became clear that large numbers of these people would not be able to return home. The NEC ruled that such persons would be allowed to vote for the president but not other offices. This led to protests and threats to disrupt the electoral process. The NEC met with IDP leaders, and as the election approached these leaders pledged that IDPs would cast presidential ballots and refrain from disrupting the process.

Ballot Qualification. This has been the most competitive election in Liberia's history, with a variety of viable candidates vying for each office. It is noteworthy that the CPA precluded senior members of the NTGL from standing for office, which ensured the NTGL's caretaker standing.

A total of 762 people qualified for the October 11 ballots: 22 presidential and vice-presidential candidates; 205 Senate candidates; and 513 House of Representatives candidates. Among these were 110 women candidates, including two who stood for president. Women represented approximately 14 percent of the candidates, although NEC guidelines called on parties to reserve 30 percent of their candidacies for women. Candidates for each of the three levels of office appeared on separate ballots. Based on its interpretation of the law, the NEC anticipated that each voter would vote for one candidate on each of the three ballots. Voting for Senators, however, was changed by order of the Supreme Court.

Pre-Election Supreme Court Cases. Shortly before the elections, the Supreme Court issued decisions regarding the electoral process. In one of these cases, the court ruled that voters may mark two choices on their ballot papers concerning candidates for the Senate. This decision was announced belatedly by the Court, leaving little time for implementation by the NEC. In another, the court ruled that a number of candidates previously rejected by NEC should be given an opportunity to correct deficiencies in their applications. Implementation of this decision risked jeopardizing the electoral timetable provided in the CPA. The potential conflict between implementing the Court's decision and the timetable was removed as a consequence of the candidates withdrawing from the elections, which was done in part as a result of mediation efforts attributed to the CPA. However, the scenario surrounding these developments raised tensions and illustrated potential problems in the legal framework, particularly concerning redress of electoral disputes, which may have implications for the broader election process.

C. Voter Education Efforts

Voter education efforts started late and faced very difficult conditions. The NEC, UNMIL and numerous international and domestic NGOs conducted voter education activities. Voter education campaigns raised general awareness of the election; however, many voters remained unsure of the detailed voting procedures. In addition, political parties complained that they lacked adequate resources to inform voters about their candidates.

A significant number of concerns were raised by political contestants, organizations conducting voter education and others noting that it was not possible to conduct voter education in numerous inaccessible localities. Poverty and a high incidence of illiteracy compounded the challenge. An estimated 75 to 85 percent of the electorate cannot read. Radio is the mass media with the largest reach, but many Liberians cannot afford radios. Programs with personal contact therefore played an important voter education role and large-scale programs were conducted. However, in the run-up to the elections, many raised concerns about the adequacy of voter education, including the last minute need to prepare for voters to mark up to two choices among the Senate candidates in the counties' ballots.

D. The Campaign

As noted in the Carter Center/NDI September 9 pre-election delegation statement, most of Liberia's political parties have developed around the personalities of key leaders, rather than on the basis of policies, issues and party platforms. Party organization is centralized within Monrovia and very few parties have sufficient resources or organizational structures to campaign at the grassroots level. Inaccessibility issues further hamper party branches' ability to communicate with party leaders. Nonetheless, an active campaign was waged by the parties and candidates. Freedoms of expression and movement were respected, as candidates could campaign where they wanted, subject to the logistical difficulties in moving about the country.

Parties and candidates reported that the political playing field was generally level, and they were free of state interference in campaigning. The campaign period, while not free of incidents, was peaceful. The Ministry of Justice, NEC and political parties restarted a long-standing dialogue to coordinate rallies and other campaign events to minimize confrontations. The NEC criticized early infractions and threatened to revoke accreditation of contestants involved in election violence, intimidation or harassment of voters or other candidates, which had a likely deterrent effect.

The Inter Party Consultative Committee allowed the contestants to receive information from the NEC and raise concerns. The Political Parties' Code of Conduct, which is Liberia's first such code and which was signed by all of the parties, stands as a positive symbol of the tolerance and respect for fair play that marked the campaign, which is remarkable in Liberia's post-conflict circumstance.

News Media. The news media operate freely in Liberia. Under voluntary guidelines issued by the Ministry of Information and the NEC, the political contestants were provided access to the media to disseminate messages in the districts where they were on the ballot, and a number of debates were organized around the country, which provided citizens with information about the contestants and demonstrated that such events can take place without fear of violence.

Money and Politics. The NEC's Campaign Finance Guidelines are comprehensive though they have proved difficult to implement and to enforce in Liberia's conditions. Concerns were raised by some political parties that state resources were misused for the electoral advantage of several parties represented in the NTGL and that foreign funds were illegally channeled into the campaign. There were also allegations of instances in which political contestants "purchased" voter identification cards to prevent votes from being cast for electoral opponents. The NEC has an obligation under its Campaign Finance Guidelines to respond to allegations that are reported to it. There also were allegations concerning widespread efforts to influence voters through providing rice and other goods. However, civic education helped many voters understand that their ballot would be secret, so accepting rice or other incentives, activities that are not specifically outlawed by the Election Law, may have not succeeded in many cases.

E. Domestic Election Monitoring and International Observers

Liberian civil society organizations have actively monitored the electoral process from early stages, including voter registration and the campaign period, as well as on election day. Among the organizations involved in election monitoring efforts are: the National Committee for Elections Monitoring (NACEM), which includes the Coalition for Democracy in Liberia (CODEL), the Inter Religious Council of Liberia (IRCL) and the West Africa Network for Peace Building (WANEP); the Campaign Monitoring Coalition (CMC), which includes four NGOs focused on campaign finance; and monitors supported by the EC Bilateral Program. Reports of domestic monitors helped to raise issues of public concern and encouraged citizen participation in the electoral process. The election monitoring activities by civil society groups are an extension of longer-term efforts of peace building that helped set the stage for a peaceful election process.

Several international organizations also established election observation missions, including in addition to NDI and The Carter Center, the European Union (EU), IRI and ECOWAS. The Carter Center deployed long-term observers beginning in August. A number of other organizations sent observer delegations for the October 11 elections, including: the African Union (AU); West African Civil Society Forum (WACSOF); and the European Parliament. Governmental election delegations from the United States and the United Kingdom also observed the elections. Leaders from all of these delegations met to exchange views before and after election day. In addition, The Carter Center/NDI delegation worked closely with the EU and IRI observation missions. International observers were welcomed throughout the country, and there were no reports of interference with international or domestic election observers.

F. Election Day

Peaceful Participation. Voter turnout on October 11 was massive across the country, even in the face of long lines and substantial waiting periods before it was possible to vote. Many voters arrived at the polls near midnight in advance of the scheduled 8:00 am opening time, and others showed up at least three hours in advance. Thousands waited to vote in the sun in some places and in heavy rain in others, demonstrating their personal commitment to peaceful elections.

Young people and women showed a special determination to participate and achieve peaceful elections. Women and young people of both genders participated in vast numbers as voters and election officials, political party poll watchers and as nonpartisan election monitors.

Polling officials worked diligently for long hours into the night. Officials seemed well trained, and in the majority of cases acted effectively, though there was a difference in quality at some voting places. To overcome a number of practical problems, many polling officials sought to build consensus around adaptive measures. Political party agents were present in impressive numbers around the country and worked cooperatively to complete the process peacefully. Domestic election monitors also were present in significant numbers and played a constructive role.

Voting Process. The long lines and the slowness of voting, particularly in the morning hours, were exacerbated by late openings of many polls. The numerous procedural safeguards put in place by the NEC and a meticulous approach by many polling officials added to the slowness of the process. The consequence was severe crowding in many places that at times led to tension requiring action by security forces. This dynamic was diminished as voting proceeded and the NEC issued a revision of the procedures to speed up the process. By late in the afternoon few such problems were observed.

Illiteracy and other factors also contributed to a slow voting process. Large numbers of voters across the country seemed not to understand how or for whom to vote. Even after the initial instruction was provided to them by poll workers, many voters required further assistance in deciding which candidate to vote for. Presiding Officers helped them, but this raised questions concerning ballot secrecy and opened possibilities for some officials to influence voters' choices. It appeared that voter education efforts were insufficient to adequately prepare such voters.

The security plan developed by the NEC, involving the Liberian National Police (LNP) and UNMIL forces, placed teams at polling precincts across the country. This helped to provide a sense of security, as well as helping to maintain order over the course of election day and election night.

The Count. The counting process proceeded without major incidents in places observed by this delegation. The count was slow in many places. Transparency in the procedures helped to establish confidence, and party agents and observers were able to monitor the process.

G. Tabulation and Electoral Complaint Resolution

The tabulation process has begun slowly. The late finish and logistical difficulties delayed the transport of results to the county tabulation centers in many instances. Transport was done under protection of the LNP and UNMIL forces. The NEC projected on October 12 that the tabulation process, which will consolidate results from the county tabulation centers at the NEC, would take between three and seven days to complete. As of 11:00 am, October 13, 278 out of the 3,070 polling places had been tabulated, comprising approximately 10 percent of the vote.

Accredited political party representatives, domestic and international observers and journalists will be able witness the tallying at the county level. The NEC will announce progressive, cumulative results. It will make available results from each individual polling place, and it has noted that those results were made available at the polling places. Providing access to such information at the national level will allow parties and candidates to compare copies of results from polling places to the national tabulation. This could be an important confidence building measure.

The NEC has required that complaints regarding polling or counting irregularities be filed at the polling place and then with the county Magistrate within 24 hours of the event. Other types of complaints should be submitted to the NEC within 72 hours of the event. According to one interpretation of the law this must be done within five days of the election. In light of the current pace of tabulation, this could be a cause for concern. There has been confusion and some ambiguity in the complaints and appeals processes in the pre-election period, and there are possibilities for this to occur in the post-election period as well. The complaints process could take as many as 30 days if the maximum time is used, which could jeopardize holding a runoff in accordance with the timeframe of the CPA and the Election Law. In addition, appeals may be lodged with the Supreme Court regarding NEC decisions on complaints and electoral challenges, which can be filed only after results are finalized. An expedited process leading to fair complaint resolution will be required at the NEC and Supreme Court to keep within the CPA timeframe.

III. THE DELEGATION AND ITS WORK

The delegation arrived in Monrovia on Wednesday, October 5, and held a series of intensive meetings with Gyude Bryant, Chairman of the NTGL, Frances Johnson-Morris, Chair of the NEC, Alan Doss, Special Representative of the UN Secretary-General and other representatives of UNMIL, several presidential candidates and their representatives, leaders of the political parties contesting the elections, civic leaders including leaders of domestic nonpartisan monitoring groups

and representatives of the international community. The delegation also met with the leadership of other international election observer delegations and worked closely with the European Union and the International Republican Institute.

On October 9, delegation members deployed to the following 10 counties: Bomi, Bong, Grand Bassa, Grand Cape Mount, Grand Gedeh, Lofa, Margibi, Maryland, Montserrado and Nimba. The meetings conducted in Monrovia were replicated at the local level by our teams. On election day, the teams observed the voting and counting process in more than 10 percent of the voting precincts and tabulation centers. Following the elections, the delegation members returned to Monrovia to share their findings and prepare this statement. This should be noted, due to the conditions of Liberia's roads, significant numbers of polling places could not be visited by international observers.

In preparation for these elections, NDI and The Carter Center conducted a pre-election assessment mission in September 2005 and participated in the May 2005 IRI pre-election delegation. Reports from this mission, along with NDI/Carter Center's periodic updates on the election process, can be found on NDI's web site at www.ndi.org and The Carter Center website www.cartercenter.org.

IV. RECOMMENDATIONS

We recognize that there are three types of recommendations that could be offered: 1) recommendations concerning the immediate circumstance in order to keep the process surrounding the October 11 poll on track; 2) recommendations that could be useful should a presidential run-off be required; and 3) recommendations that could be helpful for future Liberia electoral process. In light of the circumstances, recommendations concerning the third category will be provided in the observation mission's final report. The following recommendations are offered in the spirit of international cooperation and in hopes of building further confidence in the electoral process.

Immediate

National Elections Commission. 1) Procedures concerning electoral complaints and challenges of electoral results should be clearly explained to all of the political contestants and the public. An expedited process is necessary in order to deliver fair and proper redress and to avoid jeopardizing compliance with provisions of the CPA. This could be accomplished, for example, through the Inter Party Consultative Committee. 2) We welcome the NEC's commitment to release results in the most transparent and timely way possible in order to ensure confidence in the tabulation process and reduce potentials for tensions in the electoral environment.

Political Parties and Contestants. 1) Parties and contestants should call on their supporters to stay calm and patiently await the release of the results. 2) Parties should continue their active observation of the tabulation process at the county and national level in order to maintain their confidence in the credibility of the process. 3) If grievances arise, parties should make use of complaint procedures. 4) Those political contestants who do not win office as a consequence of credible results should publicly accept the results as soon they become apparent.

Civil Society. Nonpartisan domestic organizations should continue their efforts to impartially and accurately report on tabulation process and the handling of any electoral complaints and challenges in a timely manner.

International Community. International community should persist in assisting Liberian efforts in conducting a credible electoral process as appropriate.

If a Run off Is Required

National Elections Commission. 1) NEC and UNMIL and their domestic and international partners should redouble their efforts to provide voters with the information required for them to effectively participate in the voting process. The mass communications media including community radio stations should be employed in a nationwide voter education campaign. 2) NEC should instruct Presiding Officers that in instances where voters require assistance every effort must be made to ensure that the voters' choice is not influenced and secrecy of the ballot is maintained whenever possible. 3) NEC and UNMIL should continue the practice of regularly informing contestants and the public about administrative decisions and should continue its open attitude towards domestic and international observation.

Political Parties and Contestants. The candidates, in addition to vigorously pursuing support of voters, should proceed in the same spirit of tolerance and fair competition as was exhibited in the first round.

Civil Society. 1) Civil society organizations should mount a massive voter education campaign using the full range of methods including the mass media and personal contact. 2) Groups involved in nonpartisan election monitoring should extend their activities through the run-off and post election period.

International Community. The international community should make sufficient resources available so that, if necessary, a runoff election can be completed in accordance with international standards in a manner that leads Liberians to believe in the credibility of the election.

V. CONCLUSION

This has been the most competitive election in Liberia's history, with a variety of viable candidates vying for each office. Dedicated peace-building efforts by Liberians helped set the stage for these elections. Those efforts must now be reinforced by the country's political and civic leaders as well as those concerned in the international community. By their actions, Liberians have sent a clear message that the country must turn its back on war. Completing the electoral process in a manner that ensures the results accurately honor and respect the people's will is essential to ensuring lasting peace and democratic development.