

OBSERVING PRESIDENTIAL AND LEGISLATIVE ELECTIONS IN LIBERIA



*Final Report on the International Observation Delegations
Sponsored by the National Democratic Institute
and The Carter Center*

October - November 2005



The National Democratic Institute
The Carter Center

Observing the 2005 Liberia Elections
Final Report

October 11, 2005
November 8, 2005

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NDI and The Carter Center issued *Election Watch* newsletters throughout the electoral process. The newsletters are available on both organizations' websites.

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ACKNOWLEDGEMENTS

The National Democratic Institute (NDI) and The Carter Center would like to thank former President Nicéphore Soglo of Benin and former Vice President Alex Ekwueme of Nigeria, who, along with former U.S. President Jimmy Carter, led the international election observer delegations during the first and second rounds of the election. NDI and The Carter Center also extend their gratitude to all members of the observer delegations to Liberia during the 2005 electoral process, each of whom contributed to the success of the mission. The missions and printing of this report were funded by the United States Agency for International Development (USAID). NDI and The Carter Center are grateful to USAID for its support.

NDI and The Carter Center also wish to express their deep appreciation to Liberian government officials, political and civic leaders, election commissioners, and poll workers who facilitated the work of the delegation. Most important, NDI and The Carter Center would like to thank the Liberian people for their warmth and hospitality.



International and domestic observers watch as Liberian voters are identified and receive ballots during the runoff election.

This publication was made possible through the support of the U.S. Agency for International Development Mission to Liberia, under the terms of USAID Associate Cooperative Agreement No. 669-A-00-05-00013-00 under Leader Cooperative Agreement No. DGC-A-00-01-00004-00. The opinions expressed herein are those of the author(s) and do not necessarily reflect the views of the U.S. Agency for International Development.



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Liberian voters wait in line at a polling precinct in Grand Bassa County.

EXECUTIVE SUMMARY

Liberians went to the polls in great numbers on October 11 and November 8, 2005, to elect a president, vice president, 30 senators, and 64 representatives. In these first elections since the end of 14 years of civil war, voters across the country demonstrated their commitment to peace and democratic governance. Both elections were widely praised as violence-free, orderly, and well-administered. Throughout the electoral process, the National Democratic Institute (NDI) and The Carter Center sought to demonstrate international support for Liberia's democratic process and to provide Liberians and the international community with an impartial and accurate assessment of the electoral process and the political environment surrounding it.

In the pre-election phase, approximately 90 percent of eligible Liberians registered to vote, and 21 political parties and coalitions fielded over 700 candidates to contest the presidential and legislative elections. NDI and The Carter Center organized a pre-election delegation to evaluate the political environment, election preparations, and the level of citizens' participation in the process. In-country staff, as well as long-term observers (LTOs) fielded by The Carter Center, also contributed to the organizations' analysis of the period preceding the elections.

For the first time in Liberia, political party leaders signed a voluntary code of conduct in which they committed to abstain from political violence and intimidation. Parties and candidates campaigned vigorously in the areas surrounding the capital city. However, the lack of organized party structures in the counties, as well as logistical difficulties such as impassable roads, contributed to lower campaign activity and limited political party outreach in much of the country. The nationwide voter education campaign, designed by the National Election Commission (NEC) to encourage and facilitate participation, started late and faced similar logistical challenges.

The first round of the elections took place on October 11. The voting was peaceful and well-administered in many polling sites. In some polling sites, however, long lines, complex balloting procedures, and a high rate of illiteracy created problems that led election officials to modify voting procedures during the course of election day. Voter turnout reached an impressive 75 percent, despite difficult logistical conditions in many places across the country. The counting and tabulation processes were relatively free of problems, and official results were announced on October 26. To monitor this round of elections, NDI and The Carter Center fielded an international election observation delegation of 40 election experts and political and civic leaders from Africa, Europe, and North America.

As none of the 22 presidential candidates garnered an absolute majority in the first round, a runoff election was scheduled for November 8 between George Weah of the Congress for Democratic Change (CDC) and Ellen Johnson Sirleaf of the Unity Party (UP). Campaign activities intensified during the runoff period. Political rhetoric grew more inflammatory, and even civic and media organizations increasingly engaged in partisan activities. In response to problems noted during the first round balloting and

recommendations offered by the NDI/Carter Center delegation, the NEC instated a number of changes to the voting procedures for the runoff, leading to a smoother process. Voter turnout for the runoff stood at 60 percent. NDI and The Carter Center fielded a 28-member international observation delegation during the runoff polling. On November 23, Ellen Johnson Sirleaf was declared president-elect with 59.4 percent of the vote.

Displeased with the results of the runoff election, the CDC filed complaints with the NEC alleging electoral fraud. After several weeks of hearings and investigation into the CDC's complaints, the NEC concluded that there was insufficient evidence of widespread fraud to call into question the results of the election; and the CDC decided not to pursue its claim through the courts. NDI and Carter Center staff in Liberia continued to monitor the electoral process during this time and were the only observers to monitor the process to its conclusion.

The 2005 national elections were a watershed moment in Liberia's history, and Liberians deserve credit for the high level of citizen participation, and the peaceful conduct and administration of the elections, which all bode well for the country's nascent democracy. However, for the country to achieve lasting peace and development over the long-term, Liberia's new leaders and its people must demonstrate a sustained commitment to credible elections and democratic governance.



Crowds of voters wait in line to vote on October 11.

INTRODUCTION

The establishment of democratic governance offers the best hope for attaining sustained peace and development in Liberia following close to two decades of conflict and civil war. Liberia's first post-conflict elections, held in October and November 2005, were an important step towards peace, offering Liberians an opportunity to further overcome a history of civil conflict and authoritarian rule. The presidential and legislative elections brought to a close the two-year transition period that followed the end of Liberia's civil war.

As part of a comprehensive effort to contribute to the enhancement of democratic processes in Liberia, NDI and The Carter Center worked together to observe Liberia's 2005 electoral process. Through a pre-election mission, two observer delegations, and long-term observation, NDI and The Carter Center sought to demonstrate international support for Liberia's democratic process and to provide Liberians and the international community with an impartial and accurate assessment of the electoral process and the political environment surrounding it.



Banners in many parts of the country encouraged Liberians to vote in the 2005 elections.

NDI and The Carter Center monitored all phases of the electoral process, including voter registration, candidate nomination, the campaign, the first and second rounds of voting, the complaints procedure, and the announcement of the results. Beginning in March 2004, both organizations monitored political developments in-country through field office staff. NDI and The Carter Center participated in the May 2005 pre-election delegation organized by the International Republican Institute (IRI) and conducted a joint pre-election assessment mission in September 2005, before fielding joint international observer delegations for the first and second rounds of voting in October and November 2005.

An assessment of every election must take into account all aspects of the election process: the legal framework, the political context before and during the campaign, voting and ballot counting processes, the tabulation of results, the investigation and resolution of complaints, and the conditions surrounding acceptance of election results and the swearing-in of newly elected leaders. This report is a summary of assessments made by NDI and Carter Center delegations and staff throughout the electoral process. NDI and Carter Center electoral assistance in Liberia, which included international and domestic election observation and civic education, was funded by the United States Agency for International Development (USAID), the Government of Ireland, and the National Endowment for Democracy.

POLITICAL AND HISTORICAL CONTEXT

Since gaining independence in 1847, Liberia's history has been characterized by human rights violations, outright denial of the rights of citizens to freely participate in the electoral process, and electoral fraud. Successive undemocratic governments fomented discontent that in the 1980s finally escalated into a military coup, violence, and civil war. Despite a temporary reprieve and multiparty elections in 1997, the country's transition to post-conflict democracy has been fraught with many challenges.

Liberia was founded in 1820 as a settlement for freed slaves from the United States of America. The freed slaves, known as Americo-Liberians, modeled the country's constitution and political institutions after those of the United States and governed the country uninterrupted for 130 years. For much of that time, political and economic power was limited to a small minority of Americo-Liberian men. Despite reforms introduced after 1950, the population suffered political marginalization and poverty, which eventually sparked violent demonstrations in 1979 over the price of rice.

In 1980, Master Sergeant Samuel Doe, an ethnic Krahn of native African descent, led a group of junior military officers in a coup against then-President William Tolbert, ending the long-serving Americo-Liberian oligarchy. Doe formed a People's Redemption Council (PRC), which sought to redistribute political and economic power to indigenous Liberians. Doe became popular with much of the population at the beginning of his term. However, he soon lost that good will as his leadership style turned increasingly authoritarian, and certain segments of the population continued to feel excluded from political and economic power.



Building projects abandoned during the civil war dot Liberia's countryside.

In December 1989, Charles Taylor (a former member of the Doe government) and a band of rebels formed the National Patriotic Front of Liberia (NPFL). The NPFL began an armed struggle against the Doe government, sparking a brutal seven-year civil war. It is estimated that the war claimed 200,000 lives (in a country of three million) and displaced one million others. In 1990, a group led by Prince Johnson, known as the Independent National Patriotic Front of Liberia (INPFL), splintered off from the NPFL, captured Doe, and tortured him to death.

In a bid to broker an end to the fighting, the Economic Community of West African States (ECOWAS) deployed an international observer force and established the Interim Government of National Unity under the presidency of Dr. Amos Sawyer to fill the void following Doe's death. Taylor continued to wage war throughout the country until 1996, when, after nine broken peace agreements and 13 violated ceasefire agreements, he finally agreed to demobilize his rebel army and participate in elections.

In July 1997, in elections viewed by many as flawed, Liberians elected Charles Taylor president of Liberia. Many Liberians explained that they voted for him because they hoped that he would end the NPFL onslaught on Monrovia if he was elected. However, repressive rule and poor economic development continued under the Taylor regime, and in 1999 an armed insurgency--Liberians United for Reconciliation and Democracy (LURD)--invaded the country from the northern Liberia border. The LURD's advance towards Monrovia caused massive waves of population displacement and a deepening humanitarian crisis. A second rebel group--the Movement for Democracy in Liberia (MODEL)--split from the LURD in 2002 and opened a second offensive against the Taylor regime from the Southeast.

In the summer of 2003, a combination of factors, including domestic unrest and international pressure, brought Liberia to a crossroads. In early June, the United Nations-supported Special Court for Sierra Leone unsealed an indictment against Taylor, charging him with war crimes committed during Sierra Leone's civil war. At the same time, troops loyal to Taylor were unable to defend Monrovia as rebel forces closed in and threatened to seize the capital. Negotiations led by ECOWAS and the international community--represented by the International Contact Group on Liberia (ICGL)--ultimately led Taylor to step down on August 11, 2003, and accept asylum in Nigeria.

Taylor's departure paved the way for the signing of the Comprehensive Peace Agreement (CPA) in August 2003 in Accra, Ghana by representatives of Taylor's former government, armed militias (the LURD and MODEL), political parties, and civil society organizations. The CPA defined the structure and scope for a transition authority--the National Transitional Government of Liberia (NTGL)--that would guide the country toward elections in 2005, with the installation of an elected government by January 2006. Disputes arising within the NTGL were to be settled by mediation arranged by ECOWAS in conjunction with the United Nations, African Union, and ICGL. Representatives from the groups signing the CPA were given positions in the NTGL and the new 76-member National Transitional Legislative Assembly (NTLA).



UNMIL soldiers provide security near a polling precinct on election day.

In September 2003, the United Nations Security Council established the United Nations Mission in Liberia (UNMIL) to support the implementation of the ceasefire and peace process. UNMIL's mandate included providing assistance to the transitional government to prepare for the 2005 national elections. UNMIL's Electoral Division provided technical assistance to the NEC and assisted with logistical operations, and UNMIL troops provided security during the elections. UNMIL's support was essential to the peaceful conduct of the elections.

ELECTORAL FRAMEWORK

The CPA set the timetable for the 2005 presidential and legislative elections and called for the existing electoral system to be reformed in advance of the elections. It mandated the reconstitution of Liberia's Elections Commission as an independent body to oversee the elections process. The Agreement also called upon the United Nations, the African Union, and other members of the international community to facilitate the 2005 elections, as appropriate.

National Elections Commission

In accordance with the CPA, an independent elections management body--the NEC--was established to administer the 2005 elections in a manner that guaranteed the rights and interests of all Liberians. NEC commissioners were appointed by the Chairman of the NTGL and approved by the NTLA. Chaired by Counselor Frances Johnson-Morris, the Commission was responsible for drafting the legal framework for the elections, organizing the voter registration effort, creating an environment for peaceful campaigning, initiating a voter education program, and training polling and election staff to conduct the elections with the advice of the UNMIL electoral division. The NEC also served as the primary adjudicator of electoral disputes, with appeals referred directly to the Supreme Court.



NEC Chairman Frances Johnson-Morris (right) meets with the leadership of the joint NDI-Carter Center international observation delegation: (from left) NDI Senior Associate Dr. Chris Fomunyoh, former President Nicéphore Soglo of Benin, and former U.S. President Jimmy Carter.

Throughout the process, the NEC enjoyed a significant level of public confidence. Political party representatives, candidates, and the news media stated that the NEC conducted activities with impartiality and competence. The NEC also benefited from robust support from UNMIL and other partner organizations.

Electoral Reform Law of 2004

Major reforms to Liberia's electoral code were included in an Election Reform Bill passed by the NTLA in December 2004. The bill suspended certain provisions of the Liberian Constitution, such as the 10-year residency requirement for presidential candidates and the requirement for a national census and redistricting before elections. It also amended sections of the 1986 elections laws and listed new, less onerous requirements for proving voter eligibility, outlined registration and voting procedures for refugees (who were required to return to Liberia for registration and voting) and internally displaced persons (IDPs), and set limits on campaign expenditures.

The electoral law provided for an absolute majority to determine the winners of presidential and vice presidential races, which meant that if no single candidate won an absolute majority in the first round, a runoff election was mandated between the top two vote-getters. For the legislative elections, each of Liberia's 15 counties was allocated two seats in the Senate and two seats in the House of Representatives, with the remaining 34 House seats distributed to the counties based on the number of registered voters. A simple majoritarian electoral system was adopted to determine the outcome of the legislative races. For the senatorial races, the two candidates receiving the highest and second highest number of valid votes would be elected, although the law was unclear with respect to how many senators a voter could select on the ballot. A consensus was developed among registered political parties to create 64 electoral districts for the 2005 elections, even though there is a large disparity in the ratio of constituents to representative among various counties.

The legal framework for the 2005 elections in Liberia contained numerous provisions that were seen by many as among the most advanced in the world. For example, campaign finance regulations are among the most comprehensive on the continent, though they proved difficult to implement in the Liberian context. Provisions concerning voting for persons with physical disabilities, which are particularly relevant in societies that have suffered armed conflict, are also highly developed.



Senatorial candidates discuss policy positions during a debate in Grand Bassa County.

INTERNATIONAL OBSERVATION DELEGATIONS

NDI and The Carter Center worked together to observe Liberia's 2005 elections process through in-country staff, LTOs, a pre-election assessment mission, and international observer delegations. The observer delegations were conducted according to international standards for nonpartisan election observation--in particular with the Declaration of Principles for International Election Observers and accompanying Code of Conduct for International Election Observation--and in conformity with Liberian law.

From September 1 through 9, 2005, an international pre-election delegation assessed the political environment in Liberia in advance of the October 11 presidential and legislative elections.¹ The delegation met with a broad spectrum of Liberian political and civic leaders, government officials, electoral authorities, and representatives of the international community in Monrovia. In addition, the delegation traveled to Bomi, Bong, and Grand Bassa Counties,² where it was briefed by Liberians in those localities. In-country staff members and LTOs who visited all 15 counties in the months preceding the delegation also briefed the delegation.



Former President Nicéphore Soglo of Benin and former U.S. President Jimmy Carter discuss the findings of the NDI/Carter Center international observation delegation during the first round of elections.

NDI and The Carter Center fielded a 40-member multinational delegation during the first round of elections. The delegation was co-led by former U.S. President Jimmy Carter and former President Nicéphore Soglo of Benin. The delegation held meetings in Monrovia with: Gyude Bryant, Chairman of the NTGL; Frances Johnson-Morris, Chair of the NEC; Alan Doss, Special Representative of the UN Secretary-General; 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, IRI, ECOWAS, and the African Union.

NDI/Carter Center delegates deployed to 10 counties, observing the electoral process in Bomi, Bong, Grand Bassa, Grand Cape Mount, Grand Gedeh, Lofa, Margibi, Maryland, Montserrado, and Nimba. Due to the conditions of Liberia's roads, significant numbers of polling places could not be visited by the delegation. Meetings conducted in

¹ Members of all NDI/Carter Center delegations are listed in Appendix 4.

² A map of Liberia is attached as Appendix 1.

Monrovia were replicated at the local level. On election day, the teams observed the voting and counting process in approximately 140 voting precincts (approximately 10 percent of precincts across the country). Following the election, delegation members returned to Monrovia to share their findings, debrief with the delegation leadership and formulate a statement of findings later released to the Liberian and international media.³ Additionally, some observers remained to observe tabulation.

A 28-member delegation was deployed for the runoff elections. It was led by former Nigerian Vice President Alex Ekwueme, Carter Center Democracy Program Director David Carroll, and NDI Senior Associate for Africa Chris Fomunyoh. As with the first round elections, the delegation held a series of meetings in Monrovia with NTGL Chairman Gyude Bryant, NEC Chair Frances Johnson-Morris, UN Special Representative of the Secretary-General Alan Doss, representatives of UNMIL, senior representatives and leaders from political parties that contested the October 11 elections, civic leaders, and representatives of the international community. The delegation deployed to nine counties--Bomi, Bong, Grand Bassa, Grand Gedeh, Lofa, Margibi, Maryland, Montserrado, and Nimba--and on election day observed the voting and counting process in more than 80 voting precincts. Following the elections delegation members returned to Monrovia to report on their observations and participate in the drafting of a statement circulated to local and international media.

LTOs fielded by The Carter Center provided briefings and logistical support for the main observer delegations. The observers traveled the country beginning in July, visiting every county to witness all subsequent stages of electoral preparation, including campaigning, voting, and tabulation. These observers provided a comprehensive picture of developments throughout the country during the entire electoral process.



The NDI/Carter Center international observation delegation to the runoff election briefs the media on its findings.

³ All public statements released by NDI/Carter Center delegations are included in Appendix 3.

PRE-ELECTION PHASE

Conditions during the pre-election period impact the degree to which elections can be judged as credible. Monitoring the electoral environment in the months preceding the election provides an opportunity to assess preparations for election day and determine the extent to which candidates compete on a level playing field and citizens participate in the electoral process.



Banners and signs were used to raise voter awareness across the country.

Voter Education

To encourage citizen participation and improve understanding of the electoral process among Liberians, civic organizations co-sponsored extensive, nationwide voter education campaigns in collaboration with the NEC and UNMIL. Among others, NDI, the Carter Centre UK (CCUK), and the Electoral Reform International Services (ERIS) worked to support civic education and organized candidate debates in every county. However, many voter education efforts started late, and they were further limited in areas rendered inaccessible by the rainy season and bad roads. Poverty and a high incidence of illiteracy compounded the challenge. Although many voter education programs were broadcast on the radio to increase their reach among the population, the many Liberians who cannot afford radios missed the messages.

While voter education campaigns raised general awareness about the election, many voters remained unsure of the detailed voting procedures. As the date of the elections approached, NDI and Carter Center in-country staff heard concerns about the inadequacy of voter education on both the “why” and “how” of voting. Potential voters raised questions about how to mark their choices on the ballots, particularly for the Senate races in which the Supreme Court mandated last-minute changes to the procedures. Political parties complained they lacked adequate resources to inform voters about the policy positions of their candidates. As a result of the limitations in the voter education process and the complexity of the ballots, relatively high numbers of invalid and spoiled ballot papers were cast during the first round.

Voter Registration

Voter registration took place from April 25 to May 21, 2005. To prove eligibility to vote, Liberians had to present one of several documents, such as a valid Liberian passport, a certificate of naturalization or a birth certificate. Liberians lacking such documents could have oral testimony by a traditional leader confirming their eligibility or sworn testimony of two other registered voters. 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). More than half of the registrants

were women, and approximately 40 percent of the registrants were between 18 and 28 years old. The high voter registration demonstrated a commitment that a vast majority of Liberians, particularly women and young people, were interested in using ballots, not bullets, to determine the next leaders of the country.

In IDP camps, an estimated 61,000 Liberians registered to vote, with 71 percent planning to vote in their respective counties of origin. When it became clear that large numbers of those could not return home for election day, the NEC ruled that such persons would be allowed to vote for the president and vice president in their camps, but not for the county-based House and Senate seats. This decision was heralded as an effort to enfranchise as many voters as possible, although it was made very late in the electoral process and only after IDPs threatened to disrupt the electoral process.



A polling official checks a voter's identification card against the final registration roll on election day.

Also, to meet demands of a large number of Liberians living outside the country's borders, the NEC extended the voter registration deadline to June 4, 2005, for returning refugees. However, limited voter education in refugee camps, combined with refugees' uncertainty about the security of the country, contributed to rather low returning refugee registration. In many cases, the long distances that rural electorates had to travel to reach a registration center inhibited many returnees from registering.

Liberians who were rejected during the voter registration process had the opportunity to present proof of eligibility before NEC magistrates during the Determination of Objections phase in July 2005. Through this process, 184 voters were added to the voter rolls.

The NEC organized a two-week voter registration card replacement session in September 2005 for registered voters who misplaced their registration cards. To safeguard this process against double voting, NEC officials included a list of individuals who received replacement cards in the balloting materials provided to polling stations on election day. Further, the new cards were labeled "replacement" and differed in color from the original cards. The NEC issued over 3,000 replacement voter cards.

Exhibition of Voter Rolls

Following the month-long voter registration process, the provisional registration rolls were exhibited for voter verification. In order to stay within the elections calendar mandated by the CPA, the NEC shortened the exhibition period of the voter registry from five to three days. Nevertheless, from June 30 to July 2, more than 550,000 registrants turned out to confirm that their names were correctly listed on the roll. Approximately 8,000 corrections were made to the registration roll as a result of this

exercise, and more than 900 Liberians in possession of valid voter registration cards were processed and added to the registration roll.

Political Parties

Thirty political parties were registered in Liberia, and 21 parties and coalitions contested the 2005 elections, in addition to independent candidates. Most of Liberia's political parties developed around the personalities of key leaders rather than on the basis of policies, issues, and party platforms. Party organization is centralized in the capital city of Monrovia, and very few parties have sufficient resources or organizational structures to campaign at the grassroots level. The inaccessibility of many regions further hampered communications between party leaders and regional branches.

NDI/Carter Center observers noted that with so many registered political parties participating in the elections, the differences among parties were not always clear to voters. However, candidate debates for the presidential and legislative elections gave citizens the opportunity to raise issues and for candidates to articulate their positions on matters of national interest. Some candidates used audiotapes, distributed to community radio stations for broadcast, to provide greater access to information to voters in rural areas.



Candidates discuss their platforms at a debate in Montserrado County.

Eighteen registered political parties signed a code of conduct in April 2005, and seven other parties that registered later signed a memorandum of understanding in August to abide by the code of conduct. In adopting this voluntary code--the first of its kind in Liberia--political parties and their supporters pledged to maintain acceptable standards of good behavior to ensure an electoral process free of political violence and intimidation. The signing of the code of conduct indicated parties' willingness to respect the process and demonstrated a commitment to contribute to peaceful elections. With the exception of a few isolated acts of violence, the parties adhered to the code. In some counties, local representatives of the political parties also initiated locally-written codes of conduct. Many observers and independent analysts viewed the Political Parties Code of Conduct as a manifestation of the tolerance and respect for fair play that marked the campaign, and a remarkable benchmark in conflict-prone Liberia.

Candidate Nomination Process

The candidate nomination period began on July 21, and ended on August 6. Candidates had to be Liberian citizens, hold valid voter registration cards, and submit petitions with voters' signatures to register. Those running on a party platform also had to submit party endorsements. Most political parties convened nominating conventions to select contenders for the presidential and legislative races. While as many as 50

presidential aspirants declared intentions to contest the October election, significantly fewer actually completed the registration process.

The candidacy requirements set by the NEC posed difficulties for some aspirants. For example, candidates were required to prove they had paid all taxes--a difficult task in a country in which the government barely functioned for several years preceding the elections. Some aspirants complained that the requirement that nomination applications be submitted to the NEC office in Monrovia put independent candidates for legislative races in remote counties at a disadvantage. Candidates were also required to open bank accounts in accordance with finance regulations; however, the only bank is in Monrovia. Nevertheless, by August 13, the NEC approved 762 candidates to contest the presidential and legislative elections. Those approved included 22 candidates for president, 22 for vice president, 205 for the Senate's 30 seats, and 513 for the House of Representatives' 64 seats. Of the total number of candidates, 110 were female, constituting 14 percent of contenders. Although the NEC Political Parties Guidelines called for 30 percent of candidate slots to be reserved for women, few women succeeded in winning nominations in the traditionally male-dominated politics of Liberia.

The NEC rejected five independent presidential aspirants, three vice presidential nominees, and nine contenders for the House of Representatives for failing to fulfill application requirements. Many of the rejected applicants' petitions to contest the elections lacked the requisite number of registered voters' signatures. Due to the short timeline between the nomination period and election day, there was no official appeals process for parties or independent aspirants whose candidacies were rejected.



Partisans of the Congress for Democratic Change rally in support of George Weah for president.

Some rejected candidates appealed to the Supreme Court to challenge the NEC's decisions, and the court ruled that several ineligible candidates should have been given an opportunity to correct deficiencies in their applications. Executing the Court's decision risked jeopardizing the electoral timetable provided in the CPA. The potential conflict between implementing the Court's decision and adhering to the timetable was avoided as the candidates agreed to withdraw from the elections following mediation efforts by international groups supporting the peace process. Nonetheless, these developments raised tensions and highlighted potential inconsistencies within the legal framework, especially concerning the timeline for addressing electoral disputes.

Campaign Period

The campaign period for the first round of elections commenced on August 15, after the NEC posted the final candidate lists. Parties and candidates waged an active

campaign, although the bulk of political party campaign activities were centered in the capital city of Monrovia and the surrounding Montserrado County, which had the highest concentration of registered voters. Parties and candidates reported that the political playing field was generally level, and they were free of state interference in campaigning.

The campaign period was peaceful for the most part, and observers reported isolated incidences of violence only on the first day of the campaign. 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 may have deterred future violence. The Ministry of Justice, the NEC, and political parties engaged in dialogue to coordinate rallies and other campaign events to minimize confrontations. Despite heated rhetoric in the final days of the campaign period, political party supporters demonstrated restraint at mass rallies, and the campaign ended peacefully.

Campaign Finance

The NEC's Campaign Finance Guidelines were comprehensive and wide reaching, although they proved difficult to enforce given in-country conditions at the time of the election. Campaign finance regulations set restrictions on the source of campaign funds, prohibited the use of bribes to entice voters, and imposed disclosure requirements to make all campaign finance information public.



Unity Party supporters rally in support of Ellen Johnson Sirleaf for president.

Some political parties and civil society watchdog groups complained that state resources were misused to shore up parties represented in the NTGL. Allegations were also made that foreign funds were illegally channeled into campaigns, that political contestants "purchased" voter identification cards to prevent votes from being cast for their opponents, and that some candidates tried to influence voters through in-kind donations of rice and other goods. The Campaign Monitoring Coalition, a Liberian civil society group, claimed widespread abuse of state resources and vote buying by some candidates and submitted a report to that effect to the NEC for further investigation. There were also reports of parties exceeding the US\$2 million ceiling for campaign expenditures. Although accusations of the use of state resources were quite widespread, it was recognized by most observers that the fact that there was no single incumbent party lessened this problem.

At the writing of this report, the NEC had not yet taken action against parties accused of these offenses. Also, not all registered parties have submitted financial statements in accordance with campaign finance regulations. The NEC is developing a report on compliance with campaign finance regulations, but has yet to penalize those parties that failed to submit financial reports.

Media Coverage and Public Pronouncements

The news media operate freely in Liberia. Under voluntary guidelines issued by the NEC and the Ministry of Information, which oversees public media, political contestants were provided access to state-controlled media to disseminate messages in the districts in which they were on the ballot. In addition, a number of debates organized around the country were open to the public and aired on the radio, which raised citizen awareness and provided information about contestants. These public events also served the larger purpose of demonstrating that competitive political events could take place without fear of violence. The Press Union of Liberia (PUL) developed a code of conduct for elections that was largely respected by Liberia's print and electronic media through the first round of voting.

While most media outlets appeared non-partisan and seemed eager to maintain a level playing field for all parties and candidates during the first round, parties did not have equal access to the media. For example, because he owned media outlets, presidential aspirant George Weah had a significant advantage in garnering coverage.

The Liberian media played an important role in informing and educating the Liberian public about the electoral process. Radio stations were particularly useful in disseminating information in English and local languages. The effectiveness of newspaper coverage was limited, as the illiteracy rate for the country is estimated at 80 percent. Distribution of print media is also limited to the parts of the country that are accessible by road.



Former President Nicéphore Soglo of Benin and former U.S. President Jimmy Carter brief the media on the NDI/Carter Center international observation delegation for the first round election.

Legal Complaints and Appeals Process

Competing interpretations of the new electoral framework and inconsistencies between provisions of the CPA and the Liberian Constitution left electoral policies unresolved until the Supreme Court ruled on them. Due to a slow appeals process, some key decisions were not made by the Supreme Court until just weeks before election day. For example, questions concerning the eligibility of some candidates and the method to be used in voting for Senators were left unresolved until late in the election process, thereby generating considerable uncertainty. Later, ambiguities in the processing and resolution of challenges of election results created concerns. For example, some of the 41 complainants that submitted allegations of irregularities and fraud following the first round of voting expressed frustration that the NEC did not hear and resolve their disputes fully.

FIRST ROUND ELECTION DAY

Liberians went to the polls in massive numbers on October 11, 2005, and demonstrated their strong desire for peace and democratic governance. Following a remarkably peaceful and highly competitive electoral campaign, voting across the country was virtually violence-free, orderly, and well-administered. Polling agents worked diligently for long hours into the night. They appeared to be well-trained and, in the majority of cases, acted effectively, though there was a difference in administrative quality at some voting places. Whenever problems arose at polling sites, many polling officials sought to build consensus around corrective measures. Political party pollwatchers were present in impressive numbers around the country and worked cooperatively with polling agents to complete the process peacefully. Domestic election monitors also were present in significant numbers and played a constructive role.

The NEC faced several challenges organizing elections in a post-conflict environment. Roads damaged by war, neglect, and the rainy season, as well as a lack of electricity in many polling sites, created significant logistical difficulties. Long lines, complex balloting procedures, and a high rate of illiteracy created problems on election day. Nonetheless, most Liberians viewed the electoral process as positive. While several minor instances were noted in which procedures were not completely followed, NDI and Carter Center observers did not witness evidence of systematic fraud or problems that would materially affect the election results.

Voter Turnout

Election administrators, political parties, and voters faced extraordinarily difficult logistical conditions on election day. In rural areas, some voters complained of having to travel long distances to polling places. Roads were in disrepair because of years of war and therefore presented transport problems, which were compounded by heavy downpours during the rainy season. Approximately 10 percent of the electorate voted in polling places that were not accessible by road, requiring polling agents to trek for four days in some cases to deliver polling materials to points where they could not be transported by vehicle. Some of these were in areas difficult to reach even with the assistance of UNMIL helicopters. The NEC and UNMIL made extraordinary efforts to ensure delivery and collection of polling materials to and from these locations.



Voters wait in line for hours to vote on October 11.

Voter turnout on October 11, 2005, was impressive at 74.9 percent. Many voters arrived at the polls near midnight in advance of the scheduled 8:00 am opening time, and many 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 especially women participated in vast numbers as voters and election officials, political party pollwatchers, and nonpartisan election monitors.

Security

In a coordinated effort, UNMIL, UN Civilian Police, Liberian National Police (LNP), and the relevant ministries of the Government of Liberia developed a security plan for election day. Two security agents of a coordinated force were posted at each voting precinct to maintain order, with mobile UNMIL troops and approximately 600 Civilian Police on duty throughout the country. These provided security during the polling and counting, and helped to maintain order over the course of election day and election night, even when severe crowding in some places led to tension requiring actions by security forces.

Voting Process

The voting process for the presidential and legislative elections proceeded relatively smoothly. Both the NEC and UNMIL made efforts to correct procedural errors as soon as they were noticed and to maintain orderly conduct throughout the process. The NEC put in place procedures to facilitate communication and safeguards to enhance the credibility of the vote. For example, to prevent individuals from voting more than once, voter cards were punched and voters' right thumbnails were marked with indelible ink. To track the number of ballots issued, polling officials were required to stamp the back of each ballot at the time of issue and to reconcile the number of ballots at the closing of the polls.



Voters receive presidential, senatorial, and representative ballots on October 11.

Upon entering the polling precinct, voters displayed their voter registration cards, which polling officials verified against a precinct registry with photographs of all registered voters. Voters with replacement registration cards were also verified against addendums to the voter lists.

After checking in, voters were issued ballots and given instructions on how to vote. Voters cast three ballots in the first round of the elections--one for president and vice-president, one for each of two Senate seats, and one for a Member of the House of Representatives. For many, the ballots proved cumbersome and difficult to comprehend. Many voters were unfamiliar with the many candidates, and some complained that the pictures of the candidates included on the ballots were too small. The presidential/vice-presidential ballots listed 44 candidates and most House and

Senate ballots averaged 10 candidates per county. Sample ballots were prepared by the NEC to assist in voter education efforts; however, they were only delivered to the counties several weeks in advance of the election.



A voter casts her ballots on October 11.

Some voters asserted that they had been confused by a Supreme Court decision shortly before the elections regarding the procedure for voting for Senators. While NEC guidelines and the printed instructions on the Senate ballots instructed individuals to vote for a single candidate, the Court ruled a few days before election day that voters could mark two choices on their Senate ballot papers. This decision was announced belatedly by the Court, leaving little time for the NEC to do anything more than modify each ballot with a sticker explaining the revised instructions.

The NEC divided the 1,422 voting precincts across the country into multiple polling places in order to manage the high numbers of registered voters. Nonetheless, long lines formed in many polling stations due to high turnout and a slow voting process, particularly in the morning hours. Some polling sites opened late and numerous procedural safeguards put in place by the NEC, as well as a meticulous approach by many polling officials, further slowed the process. As voting proceeded, the NEC issued new instructions that sped up the process, and few such problems were observed by late afternoon.

Political party representatives were present in the majority of polling places and worked cooperatively to ensure a peaceful process, though many representatives seemed uninformed of the voting procedures and their specific responsibilities. Domestic election monitors were also present at a number of polling stations. Several international organizations also fielded international election observation missions. International observers were welcomed throughout the country, and there were no reports of interference with international or domestic election observers.

Voter Assistance

A major problem identified in the October 11 poll was the widespread need for voter assistance for elderly voters or persons with disabilities. Many voters requested further assistance in selecting a candidate and marking the ballots appropriately, and in many cases, confused voters were assisted in the ballot booth by presiding officers, some of whom were later accused of providing partisan assistance. Although presiding officers were permitted to assist voters under election guidelines, in some polling places they appeared to be in positions of considerable influence over the voters they were called upon to assist. This also raised concerns about the secrecy of the ballot.

Vote Counting

After polls closed, polling agents counted the ballots at each polling site and posted provisional results for the public to witness. The counting process proceeded without major incidents in places observed by the joint NDI/Carter Center delegation, although observers noted that some polling agents failed to fill out all required forms correctly. Due to the high voter turnout and large number of candidates in each race, the count was slow in many places; polling officials counted the ballots by lantern light well into the night. Accredited observers and political party representatives watched the counting process, the posting of preliminary results at the precinct, and the subsequent transfer of voting materials to secure storage facilities. Transparency in the procedures helped to establish confidence in the provisional results.

Tabulation and Announcement of Results

The presiding officer for each polling site was responsible for communicating the results to the county tabulation center, where the County Magistrate tabulated provisional results from the county's polling precincts. The tabulation process began slowly due to the late finish of counting and logistical difficulties that delayed the arrival of results at county tabulation centers in many cases. With the assistance of UNMIL, tabulation results were relayed to Monrovia via the Internet on a rolling basis. The cumulative provisional results were announced by the NEC in Monrovia on a rolling basis, as they were compiled.



Polling officials count presidential ballots by lantern light on October 11.

Accredited political party representatives, domestic and international observers, and journalists witnessed the tallying at the county level. The NEC made the results from each individual polling place available to the public, allowing parties and candidates at the national level to compare copies of results from polling places to the tabulation. Openness in the tabulation process was an important confidence-building measure. The NEC announced the official results of the presidential, House, and Senate elections on October 26, 2005.

Complaints Process

The NEC 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 had to be submitted to the NEC within 72 hours of the event. Following the first round, 41 electoral complaints and letters were submitted to the NEC. Thirty consolidated hearings were held from October 24 to 31, 2005.

Hearings on complaints were open to accredited observers, but information about them was not widely disseminated in advance; and lax procedures for notifying candidates of hearing dates and times caused some parties to miss their appointments. Many of the complaints were based on misinterpretations of election procedures or law, and the NEC adjudicator ruled that some would be more appropriately handled by the criminal justice system. Overall, the adjudication procedures left some complainants feeling that their cases were not resolved satisfactorily. Regrettably, public statements by some political leaders and their supporters that called into question the declared results of the first round contributed to an atmosphere of distrust and suspicion during the runoff campaign.



Former U.S. President Jimmy Carter watches as election officials record the results in a polling precinct in Montserrado County.

PRE-RUNOFF PERIOD

None of the 22 candidates in the presidential race garnered the absolute majority of “50 percent plus one” of valid votes required to win the first round, resulting in a runoff election on November 8. The top two finishers from the first round presidential race were George Weah of the Congress for Democratic Change (CDC), with 28.3 percent of the vote, and Ellen Johnson Sirleaf of the Unity Party (UP), with 19.8 percent. The CDC won 15 seats in the House of Representatives and three in the Senate, while the UP won three seats in the House of Representatives and eight in the Senate.

Voter Education

In advance of the second round, the NEC and UNMIL initiated an extensive, nationwide voter education campaign aimed at providing voters with the basic information needed to participate effectively in the election, including notification of the date, locations of polling sites, voter registration card requirements, and how to mark the ballot. The NEC and UNMIL distributed sample ballots and other educational materials to NEC county offices, played jingles in local dialects on the radio, and distributed flyers and stickers.

Many observers were told that some Liberians did not understand the rationale for a runoff election. Liberian civic and community-based organizations used radio, town meetings, and group discussions to explain the importance of the runoff. Voter education efforts also sought to encourage voters to participate in the second round election even if their first round candidate of choice was no longer in the race.



Voter education banners hang on a fence.

Campaign Period

The campaign period for the presidential runoff officially began on October 27, 2005, in accordance with the electoral timetable. During the runoff period, the campaigns of both candidates were largely peaceful. Political intimidation was not apparent, though a number of isolated incidents were reported. The campaign period seemed much more active than the first round, however, and voters noted an increasingly tense environment.

The two candidates campaigned widely, focusing on the more contested and populous counties of Montserrado, Nimba, Lofa, Grand Bassa, and Bong. Issues raised during the runoff campaign included the need to address the marginalization of many young Liberians; improving education; and building government competency, integrity, and capacity to deliver services to the Liberian population. Both candidates called on

their supporters to campaign peaceably, avoid divisive politics, and accept the outcome of the election.

Weah and Sirleaf sought the endorsements of former presidential hopefuls, other political parties, civic groups, and opinion leaders. Six of the first round presidential candidates endorsed Weah, while four others endorsed Sirleaf. Many Liberian voters, however, expressed frustration with the endorsements of their party leaders and did not necessarily follow those endorsements in choosing their preferred candidate in the runoff election.

As the campaign drew to a close, more incidents were reported of civic and community-based organizations, government figures, and media outlets engaging in partisan activities. Political rhetoric became increasingly inflammatory in the final days of the campaign period, raising concerns of election-related violence. However, the campaign period for the second round of election ended on November 6 without any major incidences.



Campaign posters for Ellen Johnson Sirleaf and George Weah, the two runoff candidates.

Media Coverage and Public Pronouncements

While only a few media outlets appeared biased in the first round, media coverage during the runoff was partisan, divisive, and in a few cases inflammatory, in violation of the provisions of the PUL code of conduct. To curb these excesses, the PUL suspended one newspaper editor and reprimanded several radio outlets. Representatives of the international community, including the United Nations Special Representative of the Secretary-General, cautioned the media to continue to provide responsible and impartial coverage of the election. Meanwhile, some journalists reported being threatened by supporters of a candidate.

As was the case during the first campaign period, UNMIL radio played a significant role in disseminating country-wide civic and voter education messages. The two contestants recorded radio messages that called on their supporters to campaign peacefully and accept the outcome of the election. Several of the candidates that lost in the first round also recorded messages encouraging their supporters to turn out and vote.

RUNOFF ELECTION DAY

Liberian voters returned to the polls on November 8, 2005, for the runoff election. Overall, election day was calm and peaceful with few reported incidents of violence. The balloting was well-administered, and procedural changes implemented by the NEC addressed many of the concerns raised during the first round election. While there were a few problems and irregularities on election day, the NDI-Carter Center observers did not come across any systematic irregularities or fraud that would have impacted the outcome of the runoff election.

Voter Turnout

Voter turnout for the runoff was lower than that of the first round, although it remained impressive at 60 percent. Some voters chose not to participate in the runoff as their preferred parties or candidates were not on the ballot. During the second round, voters did not queue as early as during the first round, and a simpler ballot with only two candidates meant that voting proceeded more rapidly, reducing congestion in the polling stations.

Security

Security for the runoff election was enhanced by the deployment of larger numbers of LNP, UNMIL civilian police, and peacekeeping elements. During the runoff election, security forces paid particular attention to precincts that had experienced crowd control problems or other security incidents during the first election round.

Voting Process

The voting process for the runoff election was well-administered, with no major hitches. Election day proceeded peacefully and smoothly, with shorter lines at most polling places and no overcrowding. Efforts were made to improve queue control, and to resolve confusion in certain polling precincts with multiple polling places, which had delayed polling on October 11.

During the runoff, presiding officers were instructed not to assist voters; voters needing assistance were advised to bring a family member or friend to the polls to help them cast their ballot. These instructions appeared to have been routinely followed, and the simpler ballot meant that far fewer voters required assistance.



An election official puts indelible ink on a voter's fingernail after she cast her ballot.

The NEC also provided more training to presiding officers on record-keeping at the polling stations, as well as counting and tabulation procedures. At polling precincts and tabulation centers, most NEC staff appeared to understand procedures more fully than was the case during the first round. The improved level of professionalism and increased competence of polling agents contributed to a much smoother and more efficient voting process.

In a few cases, the delegation noted inconsistencies in polling place administration. For example, some polling agents voted before the polls opened rather than at the end of the day as stipulated in the revised election procedures; the procedure for reconciling ballots at the end of the day was not followed in a few instances; the numbers of ballots received were not always registered on the presiding officer's worksheet; and the number of party representatives allowed in polling places varied from site to site. Observers were informed that in a number of polling sites, larger sample ballots posted in ballot booths bore marks indicating the choice of a candidate, though in all cases these ballots were immediately removed as soon as the attention of the polling officer was drawn to them.



Polling officials count runoff ballots in Tapita, Nimba County.

The delegation reported several instances in which polling agents complained about not receiving the five dollar daily allowance for their work on election day. In several cases, polling workers delayed the opening of the polls in protest or threatened to delay the count until they were paid. In one instance, observers were told that the disappearance of allocated funds led to the arrest of a Liberian UNMIL staff member later charged with misappropriation of funds. The NDI/Carter Center delegation highlighted the obligation to pay the pollworkers in its statement.

Both CDC and UP representatives were present in nearly all polling places visited by the NDI/Carter Center delegation and actively monitored all election day activities. In some cases, observers met representatives from parties that had lost in the first round. Commendable efforts were made to recruit and train hundreds of new domestic observers, including a significant number of physically disabled individuals, although their presence at polling sites was less visible during the runoff compared to the first round election.

A feud between NEC Chair Frances Johnson-Morris and presidential aspirant George Weah on election day garnered much media attention. The NEC Chair called Weah “reckless” after he claimed that he had actually won more than 50 percent of the vote in the first round; and he responded by accusing the NEC of bias. Regrettably, the

NEC's intemperate response was unhelpful, and the dispute contributed to an atmosphere of distrust and suspicion as the results began rolling in.

Vote Counting

Counting of ballots proceeded quickly following the runoff election, as there was only one race with two candidates to choose from. The reconciliation and counting process was simplified by the consolidation of the presiding officer's worksheet and record of the count into one form.

Tabulation and Announcement of Results

At many tabulation centers observed by delegation members, the process was smoother and quicker than in the first round. While there were a few cases in which tabulation procedures did not appear to be followed appropriately, the posting of results at the polling stations, as well as at the tabulation centers, contributed to enhancing public confidence in the results.



Liberians review the tabulated results as they are posted at the NEC county office in Saniquellie, Nimba County.

On November 23, 2005, the NEC announced official election results and declared Ellen Johnson Sirleaf president-elect, with 59.4 percent of the vote in the presidential runoff.

Complaints Process

A number of electoral challenges were filed following the runoff, including complaints of massive fraud submitted by the CDC. The NEC held hearings on all complaints, which appeared to afford due process to all parties involved. The proceedings were generally conducted with transparency, despite minor problems relating to the personal conduct and rhetoric of some of the petitioners and their representatives. Observers witnessed extended arguments about procedural matters at times and occasional personal insults among the attorneys. Members of the public interjected themselves in the proceedings and disrupted the hearings at times.

According to the NEC Regulations on Complaints and Appeals, for a post-election contestation complaint to be accepted, "the NEC must find that the errors alleged...were proved to have affected the result of the election." After several weeks of investigation and hearings into the CDC party's charges, the NEC concluded that the CDC had failed to provide adequate evidence of widespread fraud to call into question the results of the election. While CDC supporters protested for several days during the adjudication process and threatened to halt the inauguration proceedings, the CDC flagbearer George Weah eventually declared that in the interest of peace, he would accept the results of the runoff election and suspend the party's complaints.

In contrast to the relatively peaceful electoral period, incidents of intimidation and violence increased following the announcement of runoff results. In one instance, members and supporters of the CDC marched from the party's headquarters in Congo Town to the American embassy in Mamba Point in what was seen by many observers and analysts as a threat to public safety when newly elected leaders had not yet been sworn in. After several days of protests and disrupted traffic in Monrovia, the Ministry of Justice banned public demonstrations. Allegedly, threats of violence were made against some political figures and journalists, and looting and violence occurred in the wake of a public statement by Weah. Concerns were also expressed that slanted media coverage of the election complaint hearings--contrary to the PUL code of conduct--was raising tensions. Nonetheless, the overwhelming majority of Liberians remained calm during this period, thereby reaffirming their desire and determination to establish sustainable peace in the country.



Domestic election observers and political party representatives observe the voting at a polling precinct.

RIVERCESS BY-ELECTION

In response to complaints launched by one of the contesting candidates in the legislative election, the NEC declared null and void the election for the House of Representatives seat for District 1 of Rivercess County after determining that the winning candidate had registered fraudulently. To fill the resulting vacancy, the NEC held a by-election on May 13, 2006. A runoff election was held on May 30, 2006, as none of the candidates received an absolute majority of “50 percent plus one” in the first round. (The 2004 electoral reform law suspended the requirement that legislative candidates must receive an absolute majority of the vote, implementing a simple majoritarian system for the 2005 legislative elections. However, a runoff election was required for the by-election, as the 2004 reform law’s provisions had expired and the legal framework for elections reverted to article 83(b) of Liberia’s Constitution.)

NDI staff observed preparations for the election and the first and second round voting, which served as the final step in the 2005 electoral process. The by-election process was peaceful, orderly, and smooth.

Voter Education

The NEC, UNMIL, IFES, and other organizations conducted intensive voter education efforts, concentrated in the by-election electoral district. Town hall meetings, town criers, posters, and sample ballots were used to explain the rationale for the by-election and share other relevant information about the election. As a result of the voter education efforts and the simple ballot procedures, most voters seemed to understand the voting procedures and how to cast a valid ballot.

Campaign Period

The campaign period progressed peacefully. Five candidates registered to contest the by-election and agreed to schedule campaign events at different times to avoid conflicting rallies. Some of the candidates limited their campaigning to Cestos City, while others extended their campaigns to include more rural areas of the district. All five candidates participated in a debate organized by IRI and UNMIL.

Voter Turnout

In the first round of voting, approximately a quarter of eligible voters turned out to vote. Voter turnout was impacted by the timing of the elections, as many farmers were said to be more interested in completing agricultural activities before the rainy season than in voting. In addition, some voters were discouraged by the long distances between their homes and the nearest polling stations. Turnout for the runoff election was slightly higher than that of the first round, reaching approximately 38 percent. In contrast to the first round, some voters lined up before the polls opened on the day of the runoff. In both rounds of voting, turnout of women exceeded that of men.

Voting Process

The voting process unfolded smoothly and peacefully in both rounds of the by-election. Before the first round, the NEC conducted refresher courses for polling agents on election day procedures. On May 13, voting started on time, with the presiding officers at each polling place unsealing the ballot boxes in the presence of international and domestic observers, as well as political party representatives. Party representatives interviewed by NDI staff indicated that the electoral process was open and satisfactory.

The runoff election between the top two candidates from the first round was held on May 30, 2006. Voting again started on time and proceeded smoothly. NDI staff heard rumors that voters had been promised rewards for turning out to vote, but saw no evidence to substantiate this claim.

Party representatives demonstrated their commitment to upholding a transparent election process by observing both rounds of the voting in many polling stations.

Tabulation of Results

The NEC announced the official results of the by-election runoff on June 1, 2006, declaring Elizabeth Pennoh Williams (UP) the winner with 56.5 percent of valid votes. Charles Zarkpah Bartee, of the New Deal Movement (NDM), was the runner-up.

Complaints Process

Following the runoff election, the NDM filed a complaint with the NEC that county officials and Liberian Vice President Joseph Boakai used rice and money to “buy” votes for the UP candidate. Following an investigation into the claims, the NEC ruled that NDM complaints pertained to criminal violations that should be pursued through the criminal justice system.

CONCLUSION AND RECOMMENDATIONS

With the inauguration of the newly-elected president, vice president, and legislature in January 2006, Liberia is now poised to turn an historic corner toward sustainable peace and democratic governance. By their actions, Liberians sent a strong message that the country must turn its back on war and autocratic rule.



Liberian voters wait in line to vote on October 11.

The 2005 elections were the most competitive elections in Liberia's history, with a multiplicity of viable candidates vying for office. Following a remarkably peaceful and highly competitive electoral campaign, voting across the country was violence-free, orderly, and well-administered, despite the massive logistical difficulties associated with holding elections in Liberia's post-conflict environment. However, elections must be viewed as only one step in ensuring democratic governance.

Through election observer delegations, NDI and The Carter Center sought to demonstrate international support for Liberia's democratic process and to provide Liberians and the international community with an impartial and accurate assessment of the electoral process and the political environment surrounding it. Ultimately, however, it is the people of Liberia who, as citizens and voters, will determine the credibility of their elections and the legitimacy that its new leaders have derived from them.

In the spirit of international cooperation and in recognition of Liberians' asserted desire for peace and democratic rule, NDI and The Carter Center provide the following recommendations:

- Liberian youth and women are to be commended for their active participation in these transitional elections. They should be encouraged to remain engaged in the democratic process as an opportunity to make their voices heard. In particular, the delegations urge the NEC and Liberian political parties to continue including women as polling officers, candidates, and party representatives in future elections.
- UNMIL provided substantial technical, operational, and logistical support to the NEC, which increased the Commission's capacity to conduct these elections. The delegation hopes that steps will be taken to further transfer skills and technological infrastructure to Liberians in a sustainable manner to ensure that future elections can be conducted credibly by Liberians themselves.
- The NEC and civil society organizations should mount massive voter education campaigns well in advance of future elections.

- To build public confidence in the impartiality of the electoral complaint process, the NEC should outline and publicize its methodology for resolving election-related complaints. The NEC timeline should establish specific deadlines for the filing of complaints to ensure that electoral challenges are not used as a pretext to disrupt the electoral process. Sufficient resources should be dedicated to the NEC complaint process to ensure that all complaints are processed impartially, on an expedited basis, and with adequate transparency in accordance with due process requirements and equality before the law.
- The complaints and appeals process could be improved to provide for more transparency. For example, the times and locations of future hearings should be clearly communicated to all accredited parties and observers, with documentation readily available. Rulings should be announced as quickly as possible, with immediate redress and effective remedies provided as appropriate.
- Political leaders and candidates should refrain from inflammatory rhetoric that could undermine the country's nascent and thus fragile democratic institutions.
- The media should provide accurate and balanced reporting on the electoral process, and should refrain from biased reporting that could be inflammatory or that may provoke violence.
- The international community should increase its support to Liberia in the medium to longer term to help consolidate nascent democratic institutions and practices.



Polling officials count ballots by lantern light on October 11.

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A polling official checks a voter's registration card against the final registration roll while an international observer looks on.

MAP OF LIBERIA



*Map of Liberia, 2004. Central Intelligence Agency. Perry-Castañeda Library Map Collection. The University of Texas at Austin. < <http://www.lib.utexas.edu/maps/liberia.html>>.

LIST OF ACRONYMS

CDC	Congress for Democratic Change
CPA	Comprehensive Peace Agreement
CCUK	Carter Centre UK
ECOWAS	Economic Community of West African States
ERIS	Electoral Reform International Services
IDPs	internally displaced persons
ICGL	International Contact Group on Liberia
INPFL	Independent National Patriotic Front of Liberia
IRI	International Republican Institute
LNP	Liberian National Police
LTO	Long-Term Observer
LURD	Liberians United for Reconciliation and Democracy
MODEL	Movement for Democracy in Liberia
NEC	National Elections Commission
NDI	National Democratic Institute for International Affairs
NDM	New Deal Movement
NPFL	National Patriotic Front of Liberia
NTLA	National Transitional Legislative Assembly
NTGL	National Transitional Government of Liberia
PRC	People's Redemption Council
PUL	Press Union of Liberia
UNMIL	United Nations Mission in Liberia
UP	Unity Party
USAID	United States Agency for International Development



An international election observer watches the counting process for the runoff election.



THE CARTER CENTER



STATEMENT OF THE NDI/CARTER CENTER PRE-ELECTION DELEGATION TO LIBERIA'S 2005 ELECTIONS

Monrovia, September 9, 2005

This statement is offered by an international pre-election delegation to Liberia, organized jointly by the National Democratic Institute (NDI) and The Carter Center. From September 1 through 9, 2005, the delegation assessed the political environment in Liberia in advance of the October 11 presidential and legislative elections. The delegation met with a broad spectrum of Liberian political and civic leaders, government officials, electoral authorities and representatives of the international community in Monrovia. In addition, the delegation traveled outside Monrovia to Bomi, Bong and Grand Bassa Counties, and was informed by in-country staff members and long-term observers who have visited all 15 counties in recent months.

I. EXECUTIVE SUMMARY

Presidential and legislative elections scheduled for October 11, 2005, offer the people of Liberia an opportunity to further overcome a history of civil conflict and authoritarian rule. The establishment of democratic governance offers the best hope, and a difficult challenge, for attaining sustained peace and development in the country. The elections can be an important step in that direction.

The electoral environment is marked by impressive positive factors, including the development of a Political Parties' Code of Conduct, good faith efforts by the National Elections Commission (NEC) to encourage the participation of citizens in the elections and an electorate that has demonstrated a high level of interest in participating in the process. However, serious challenges for conducting a peaceful and credible process remain. Beyond the elections, Liberia's new government will need to overcome the factors that provoked violence in the past, as well as face new challenges of national reconciliation and democratic development. Ultimately it will be up to the Liberian people to determine whether the political will exists to achieve democratic governance.

The delegation noted the commitment of many Liberians, government officials, political and civic leaders to developing a democratic election process. In recognition of this, and, in the spirit of international cooperation, the delegation respectfully offers the following major recommendations. Further recommendations are offered later in the text of this statement.

- Concerted efforts should be made to inform the public of plans made to

guarantee security around the elections, specifically the roles of the Liberian National Police (LNP) and coordinated efforts with United Nations Mission in Liberia (UNMIL) and others. Greater public understanding of these plans for electoral security will encourage election participation and may serve as a deterrent to those who might use violence as a political tool.

- To build public confidence in the impartiality of the electoral complaint process, NEC should outline and publicize its methodology for resolving election-related complaints. The NEC timeline should establish specific deadlines for the filing of complaints to ensure that electoral disputes are not used to disrupt the electoral process. Sufficient resources should be dedicated to ensure that the potential volume of complaints can be processed impartially and on an expedited basis with adequate transparency in accordance with due process requirements and equality before the law.
- The NEC and its international partners, as a matter of priority, should undertake a public education effort concerning the tabulation and announcement of results to quell rumors and build trust in the process. Given the sensitive nature of the tabulation and announcement of results, sufficient safeguards should be in place and made known to the public.
- Political parties should ensure that their activists refrain from violence and intimidation and act in accordance with the law and democratic principles.

II. DELEGATION AND ITS WORK

The purposes of this assessment are to demonstrate the interest of the international community in the development of a democratic political process and democratic governance in Liberia, and to present an accurate and impartial assessment of the political environment and its implications for democratic development.

The assessment has been conducted according to international standards for non-partisan election observation in particular with the Declaration of Principles for International Observers, in conformity with Liberian law and without interference in the election process. It is not the intention of the delegation to render a complete or definitive assessment of the election process, given that the elections are yet to occur. Indeed, it is the people of Liberia who, as citizens and voters, will determine the credibility of their elections and the country's democratic development. At the same time, NDI and The Carter Center note that the international community shares responsibility in ensuring that the Liberian people are able to exercise their electoral rights in their upcoming elections.

The delegation included: Mark Clack, Country Director for NDI/Nigeria; Tom Crick, Senior Political Analyst and Liberia Project Director for The Carter Center; Almami Cyllah, former Electoral Commissioner of the Interim National Election Commission of Sierra Leone; Olayinka Lawal, Executive Director of the Constitutional Rights Project in

Nigeria; and James Viray, former Program Officer for Liberia at the International Republican Institute (IRI). The delegation was joined by Sidi Diawara, NDI/Liberia Country Director; Titi Pitso, NDI/Liberia Senior Elections Program Manager; Ashley Barr, TCC/Liberia Country Director; and Linda Patterson, NDI/Washington Program Officer.

Team members met with a cross section of Liberian political party leaders, election authorities, representatives of civil society, media and the international community. The team expresses appreciation to everyone with whom it met for freely sharing their views on the electoral process.

III. THE ELECTORAL CONTEXT

The pre-election period is critical to understanding and evaluating the degree to which elections are democratic. A full and complete assessment of any election must take into account all aspects of the election process: the legal framework; the political context before and during the campaign; voting and ballot counting processes; the tabulation of results; the investigation and resolution of complaints; and the conditions surrounding the implementation of the election results.

Following two decades of turmoil and civil war, Liberia has a historic opportunity to end the political discord and violence that have impoverished the country and destabilized the region. As Liberia seeks to move beyond its violent past, many Liberians see the upcoming elections as a critical step towards democratization, good governance, and sustainable peace. At the same time, Liberia, as in countries emerging from conflict, suffers from political polarization and destroyed infrastructure. Political and civic leaders expressed frustration to the delegation about their inability to reach all parts of the country to campaign and conduct voter education activities.

Political Parties and the Campaign: On August 12, the NEC approved 762 candidates to contest the presidential and legislative elections. Those approved include 22 candidates for president, 22 for vice president, 206 for the Senate's 30 seats, and 512 for the House of Representatives' 64 seats. Of the total number of candidates, 110 are female, constituting 14 percent of the contenders. Although the NEC Political Parties Guidelines called for 30 percent of candidate slots to be reserved for women, few women succeeded in winning nominations in the traditionally male-dominated politics of Liberia.

The NEC rejected five independent presidential aspirants, three vice presidential nominees and nine contenders for the House of Representatives, for failing to fulfill election requirements. Many of the rejected applicants' petitions to contest the elections lacked the requisite number of registered voters' signatures. Some of the rejected applicants have contested the NEC's decision in the Supreme Court.

Legal Framework: The 2003 Comprehensive Peace Accord (CPA), which ended the civil war and established the transition government and electoral process, precludes

senior members of the National Transitional Government of Liberia (NTGL), including Chairman Gyude Bryant, senior ministers, the Speaker and the Deputy Speaker of the National Transitional Legislative Assembly (NTLA), and the Chief Justice, from running for office. The NTLA passed an electoral reform bill in December 2004.

In accordance with the CPA the election law suspended certain aspects of the Liberian Constitution, including bypassing a ten-year residency requirement for presidential candidates and a requirement for a national census and redistricting before elections. The December 2004 Electoral Reform Law dictates that a majority system will be used to determine the outcome of presidential and legislative elections. Each of Liberia's 15 counties has been allocated two seats in the House of Representatives, with 34 additional seats distributed to the counties according to the number of voters registered. Each county will also have two Senators. For the presidential race, a run-off election will be held between the top two vote-getters if no single candidate wins an absolute majority in the first round. The election law also specifies the requirements for proving voter eligibility, outlines registration and voting procedures for refugees and internally displaced persons (IDPs) and set limits on campaign expenditures.

The NEC has since streamlined elections procedures to conform to the CPA timeline. For example, Liberians will not be allowed to register to vote on election day. In addition, the NEC serves as the primary adjudicator of electoral disputes, with appeals referred directly to the Supreme Court.

Voter Registration: Voter registration took place in Liberia from April 25 to May 21. According to official NEC figures, approximately 1.3 million of an estimated 1.5 million eligible voters registered, with equal representation by men and women. Significantly, an estimated 61,000 IDPs registered in the camps and 71 percent intend to vote in their respective counties of origin. In general, observers considered the exercise a success despite significant challenges. For example, IRI, in collaboration with NDI and The Carter Center, fielded a pre-election assessment delegation during the voter registration period and reported that while the process was technically sound and relatively peaceful, insufficient voter education and difficult logistics and in-country travel impeded turnout early in the process.

The NEC has organized a two-week voter card replacement session from September 17 to 30 for people who have lost their cards. During this session, these cards will be issued only to individuals whose names are already on the voter registration list, they will contain the label "replacement" and differ in color from the regular registration cards. In order to ensure that polling station officials employ safeguards against illegal voting, NEC officials will include in the balloting materials a list of all individuals for that polling place who received replacement cards. Once a replacement card is issued, a citizen cannot use his or her original voter card to vote; they will be required to present their replacement card before they will be allowed to vote.

III. OBSERVATIONS AND RECOMMENDATIONS

Security

The campaign season started on a relatively peaceful note, although a few minor infractions raised concerns about the potential for violence during the election period. Minor confrontations occurred between rival groups, including fistfights among some supporters of different parties. The Ministry of Justice, NEC and political parties restarted a long-standing dialogue to coordinate rallies and other campaign events in order to prevent further clashes between party supporters. NEC county officials and branches of political parties successfully coordinate events at the local level, although it is not clear whether a resolution has been reached at the national level.

The delegation was encouraged to learn that a security plan for election day is under development by a coordinated effort among UNMIL, UN Civilian Police and the relevant ministries of the Government of Liberia. Two security agents of a coordinated force that includes the LNP will be posted at each voting precinct to maintain order, with mobile UNMIL troops and approximately 600 Civilian Police on duty throughout the country. These security agencies will be responsible for providing security during the polling and counting.

Despite these optimistic signs, there remains the risk of violence that could disrupt the electoral process. The UN-sponsored disarmament, demobilization, reintegration and rehabilitation (DDRR) process has suffered setbacks and left some ex-combatants frustrated. UNMIL reports indicate that small weapons remain accessible in some areas of the country. In addition, IDPs have threatened to burn their voter registration cards to protest the lack of further support to facilitate their return to their home counties. They are also unhappy with a rumored proposal that they will only be able to cast a presidential ballot if they remain in the camps.

Efforts should be made to inform the public of the nature of the security plan and specifically the roles of the LNP and the coordinated efforts with UNMIL and others. Greater public understanding of these plans for electoral security will encourage electoral participation and may serve as a deterrent to those who might use violence as a political tool.

Recommendations: The international community should make every effort to conclude the DDRR process. The NEC should consider all options to enfranchise as many IDPs as possible. All Liberians should redouble their commitment to peaceful elections, and work to ensure that the remaining weeks of the political campaigns are conducted peacefully. Liberians must refrain from any intimidation or violence during the campaign period, on election day and the days following.

Election Administration

Almost everyone with whom the delegation met expressed general satisfaction with, and were encouraged by, the NEC's administration of the election process so far, especially in the face of severe logistical challenges. In the short time since its

formation, the NEC drafted the electoral legal framework, organized a voter registration effort widely accepted as credible, created an environment for peaceful campaigning, issued necessary guidelines to supplement the election law, initiated a massive voter education program, planned training for election officials and produced election materials such as ballots. Nonetheless, the delegation noted a number of specific challenges that will need to be resolved, including the following:

Voter Registration

Some political parties are concerned about the possibility of citizens abusing the replacement registration card process. Fears were expressed that non-registered citizens would be able to obtain registration cards, which would threaten to undermine confidence in the accuracy of the final voter registry.

Recommendation: To dispel concerns about manipulation of this process, NEC should communicate clearly with the political parties and the public to publicize the mechanisms currently in place to protect against such fraud.

Voting Process

For elections to be meaningful, the electorate must understand the importance of the process and each individual's vote. Voter education efforts currently underway to inform citizens about why and where to vote have been successful. Posters and banners have been widely disseminated throughout the country and awareness of the upcoming election is high. However, the delegation shares the concerns expressed to it that citizens remain uninformed about the detailed procedures for election day.

The NEC reports that they have received the sample ballots and other educational materials and are working to distribute them to the county offices. The complex balloting system includes three separate color-coded ballots with photographs of candidates and party logos.

Recommendation: Broad and immediate voter education on this system is essential to ensuring that voters are able to correctly mark their ballots to indicate their choices.

Campaign Finance

Campaign finance regulations developed this year are regarded as a positive development for the evolution of democratic practices in Liberia. These rules are among the most comprehensive worldwide. However, some parties raised complaints about the misuse of state resources and the NEC's silence on the issue, as well as complaints about cumbersome rules for Liberia's circumstances. In addition, allegations were raised to the delegation that foreign funds may be illegally channeled into the campaign.

Recommendation: The NEC must ensure that its regulations are not simply rules and procedures on paper, requiring significant investment of time and energy by candidates, but that campaign finance regulations also are meaningfully and equitably enforced.

Tabulation and Announcement of Results

Parties expressed frustration with the decision to limit the number of tally sheet copies available to party agents who will be stationed at the polling places. In addition, some NEC county offices reported their understanding that domestic observers and party agents will not be permitted to observe the tabulation process, which contradicts procedures outlined by the NEC. Transparent procedures for counting ballots, tabulation of votes and announcement of results have been determined by the NEC in consultation with UNMIL Electoral Division and IFES. However, these procedures evidently are poorly understood by NEC officials at the county level, political parties and the public. While the delegation applauds the NEC for recognizing the importance of observation by party agents and observers, effective action is needed immediately to guarantee the integrity of this aspect of the electoral process.

When electoral contestants and the public have to wait for long periods for results to be announced, fear of fraud almost always develops. Liberian authorities have suggested that the tabulation and announcement of final official results are likely to be released after 15 days, as allowed by Liberian law. However, they emphasize that vote tallies will be posted at each polling place and county tabulation center and that election results will be announced on a rolling basis beginning the day after the elections.

Recommendations: The NEC and its international partners, as a matter of priority, should undertake a public education effort concerning the tabulation and announcement of results to quell rumors and build trust in the process. In this respect, the Inter Party Consultative Committee (IPCC) meetings to discuss this and many other topics should be reinstated. These procedures, which will instill confidence in the process, should be explained clearly and repeatedly by the NEC through all media and other means.

Presiding officers should stamp party agents' copies of forms recording ballot tallies to encourage confidence in the results. Agents and observers should be encouraged to accompany the ballot boxes during transport and to observe counting and tabulation processes in sufficient numbers so that they can verify that such procedures were performed properly.

Political Parties

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. Most local party officials are awaiting instructions and resources from the national headquarters about when they should begin their campaign and what strategies they should use to reach out to their supporters. For parties with limited resources, campaigning activities for the Senate and House races revolve around the visit of the standard-bearers. In these circumstances, legislative candidates are dependent upon the presidential aspirants to educate and recruit supporters.

With so many registered political parties participating in the elections and a centralized system with limited resources to disseminate messages, many voters are confused as to the differences among the parties. On the other hand, national and county debates for the presidential and legislative elections have given citizens the opportunity to raise issues in public fora and for candidates to articulate their positions on matters of national interest. Audiotapes are distributed to community radio stations to provide greater access to information in rural areas. These are positive developments.

The “Political Parties’ Code of Conduct,” which was signed by all of the political parties, is a positive sign of their commitment to uphold a transparent process and refrain from intimidation and violence. This voluntary code of conduct is the first of its kind in Liberia. It indicates parties’ willingness to respect the process and demonstrates a commitment to work together peacefully. The delegation was encouraged to learn that although the national code has not been well-publicized, NEC officials and party representatives in at least two counties have agreed, on their own initiative, to locally-written codes of conduct.

Recommendations: Without provisions to allow voters to make informed choices among the electoral contestants, elections are hollow exercises. Expanding candidate debates and encouraging broad participation in them at the national and local levels should be a priority. Efforts should be made by candidates to better communicate their messages to citizens in rural areas. In addition, national parties should increase efforts to communicate with the party branches regarding campaign plans. Party leaders should continue to educate their supporters at the county and district levels regarding the Code of Conduct.

Electoral Complaint Mechanisms

To ensure that elections take place according to the tight CPA timetable, the NEC has attempted to streamline the complaint process. All complaints must be filed at the NEC county magistrates’ offices or with the national headquarters. When a decision is reached by a county magistrate, aggrieved parties have the right to file an appeal with the NEC headquarters in Monrovia. One NEC Commissioner will hear the case and recommend a solution to the full NEC board, who can vote to endorse the recommendation or request the case be brought to the entire commission. Citizens then have the right to file a final appeal to the Supreme Court.

While many Liberians support the NEC’s adherence to the timetable set out in the CPA, the delegation noted the absence of clear and well-publicized complaint mechanisms which could lead to a crisis of confidence in the impartiality of the NEC. To date, several aggrieved parties have registered complaints with the Supreme Court following the NEC’s ruling on various issues. With a crowded political field and numerous post-war challenges, clearly delineated and well-explained complaint mechanisms are vital to a peaceful and accepted outcome.

Recommendations: The delegation encourages the NEC to outline the methodology used for decision-making to build public confidence in the impartiality of the electoral complaint process. A timeline should be established with specific deadlines for the filing of complaints to ensure that the dispute resolution mechanisms are not used to disrupt the electoral process. Sufficient resources should be devoted to ensure impartial and expeditious resolution of electoral complaints consistent with due process requirements and equality before the law.

IV. CONTACT INFORMATION

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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 pollwatchers 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. This could be accomplished in part through the Inter Party Consultative Committee. 2) An expedited complaints and appeals process is necessary in order to deliver fair and proper redress and to avoid jeopardizing compliance with provisions of the CPA. 3) 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.



THE CARTER CENTER



**PRELIMINARY STATEMENT OF THE NDI / CARTER CENTER
INTERNATIONAL OBSERVER DELEGATION TO THE
LIBERIAN PRESIDENTIAL RUNOFF ELECTION**

Monrovia, November 10, 2005

This statement is offered by the 28-member multinational delegation jointly organized by NDI and The Carter Center. The delegation was co-led by His Excellency Dr. Alex Ekwueme, former Vice-President of the Republic of Nigeria; Dr. Christopher Fomunyoh, NDI's Senior Associate for Africa; and Dr. David Carroll, Director of the Democracy Program at The Carter Center. The delegation included elected officials, electoral and human rights experts, regional specialists and political and civic leaders from Africa, Europe and North America.

The purposes of the delegation were to demonstrate international support for Liberia's democratic process and to provide Liberians and the international community with an impartial and accurate assessment of the electoral process and the political environment surrounding it. The delegation conducted its activities in accordance with Liberian law and the Comprehensive Peace Agreement (CPA), as well as 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 and do not seek to interfere in the process.

The delegation stresses that the tabulation of results is still underway and that this is a preliminary statement. It should be viewed in the context of earlier statements on the October 11 elections and the lead up to it. Further statements may be released and a final report will follow after the election process is completed. All reports concerning the Liberian election process can be found at either www.ndi.org or www.cartercenter.org.

NDI and The Carter Center commend all Liberians who participated in this historic process to move forward after years of conflict, corruption and autocratic rule. Liberians across the country expressed to observers their strong desire for peace and reconciliation, and their commitment to the democratic process as the means of choosing their leaders. We hope that those who will take office once the official results are certified, as well as those who contested unsuccessfully, will recognize that all Liberians have an important role to play in their country's political and democratic future, and that they will work collectively to lead the country to national reconciliation and sustainable democracy.

For the electoral process to be meaningful over the long-term, Liberia's new leaders must demonstrate that they have the country at heart. This means they must practice integrity, manage the nation's resources for the good of the country as a whole, and make a special effort to provide opportunities for and respond to the needs of youth.

I. ELECTION DAY OBSERVATION

A. Positive Aspects of the Election Day Process

On the whole, election day went peacefully and smoothly, with short lines at most polling places. The National Elections Commission (NEC) is to be commended for their efforts to address many of the administrative and procedural problems noted by observers on October 11. Specific observations include:

Voter Turnout. As they did for the first round, large numbers of Liberian voters went to the polls on November 8. As of today, the NEC estimates voter turnout at slightly more than 60 percent. Simpler ballot procedures meant that voting proceeded more rapidly.

Peaceful Conduct. Overall, election day was calm and peaceful with few reported incidents of violence. Security on election day was enhanced by the deployment of larger numbers of Liberian National Police (LNP) and immigration officials, and United Nations Mission in Liberia (UNMIL) civilian police and peacekeeping elements, particularly to precincts that had experienced crowd control problems or other security incidents during the first election round on October 11.

More Efficient Election Administration. Efforts were made by both NEC and UNMIL to correct procedural errors and other irregularities observed in the first round, notably in the area of assisted voting. Presiding officers were instructed not to assist voters, who were required to bring with them a family member or a friend to help them cast their vote. These instructions appeared to have been routinely followed, and in any case, the simpler ballot meant that far fewer voters required assistance. Efforts were also made to improve queue control, especially in polling precincts with multiple polling places where voter confusion over where to vote delayed polling on October 11. The reconciliation and counting process was simplified by the consolidation of the presiding officer's worksheet and record of the count into one form. At polling precincts and tabulation centers, most NEC staff appeared to understand procedures more fully than on October 11, although one or two exceptions were observed. Their level of professionalism and increased competence contributed to a much smoother and more efficient voting process.

Party Representatives and Domestic Election Observers. Both Congress for Democratic Change (CDC) and Unity Party (UP) representatives were present in nearly all polling places visited by NDI/TCC observers, and actively monitored all election day

activities. In some cases, observers met representatives from supporters of parties that had lost in the first round. Although there appeared to be fewer domestic election observers for the second round, commendable efforts were made to recruit and train hundreds of observers, including a significant number of physically disabled individuals.

Tabulation. At many tabulation centers observed by delegation members, the process was smoother and quicker than for the first round. However, there were some cases where procedures did not appear to be followed appropriately.

B. Problems and Irregularities

While the NDI/Carter Center overall assessment is generally positive, the delegation noted the following problems and irregularities:

Inconsistencies in Polling Place Administration. The delegation noted: voting by some polling staff before the polls opened rather than at the end of the day as stipulated in the revised election procedures; the procedure for reconciling ballots at the end of the day was not followed in a few instances; numbers of ballots received were not always registered on the presiding officer's combined worksheet and record of the count at the beginning of polling as required; and a lack of clarity over the number of party representatives allowed to observe the process in each polling place. In addition, observers were informed that larger sample ballots posted in ballot booths were in some instances marked indicating the choice of a candidate, though when polling officials were informed these ballots were immediately removed.

Polling Staff Remuneration. The delegation reported several instances where polling staff informed us they had not received their five dollars' daily allowance for the October 11 elections, or on November 8. In several cases, polling workers delayed the opening of the polls in protest. In one instance, the observers were told that disappearance of allocated funds led to the arrest of a Liberian UNMIL staff member who has been charged with misappropriation of funds.

II. RECOMMENDATIONS

To demonstrate its support for Liberians' self-proclaimed desire for peaceful and democratic rule, and in the spirit of international cooperation, the delegation offers the following recommendations:

- Liberians should allow the election process to continue in an orderly fashion, and should refrain from prejudging the outcome of this historic election. We urge restraint by political parties, election officials and party supporters during this critical period between voting and the determination of final results by the NEC.
- Upon conclusion of the electoral process, including the resolution of complaints that may be lodged, it is hoped that the winner of this highly competitive race will reach out to the unsuccessful candidates, and remind partisans on all sides that

in the fragile post-conflict context he or she intends to represent the interests of all Liberians. At the same time, we hope that the unsuccessful candidate will accept the will of the Liberian people expressed through the ballot box, and appeal for calm and acceptance by his or her supporters.

- The NEC should ensure that all election disputes are handled expeditiously upon submission of complaints, and in an impartial manner according to Liberian law and within the context of the CPA. The complaint process could be improved to provide for a more transparent process. For example, the times and locations of future hearings should be clearly communicated to all accredited parties and observers, with documentation readily available. Rulings should be announced as quickly as possible, with immediate redress and effective remedies provided as appropriate.
- Both the UP and the CDC should respect and abide by the procedures established under Liberian law and within the context of the CPA for the resolution of electoral disputes, and continue to instruct their party members and supporters to do the same and to refrain from violence. Both parties should refrain from inflammatory rhetoric or premature celebrations. Liberia faces daunting challenges. They can only be addressed by Liberians, regardless of political affiliation, working together for a better Liberia for all.
- The media should provide accurate and balanced reporting on the electoral process, and should refrain from publicizing information in ways that could be inflammatory or that may provoke violence.
- The delegation commends Liberian youth and women for their active participation in these transitional elections, and encourages them to remain engaged in the democratic process as an opportunity to make their voices heard. In particular, the delegation notes efforts by the NEC and some political parties to include women as polling officials, candidates and party representatives and hopes such efforts will continue in future elections.
- Both UNMIL and the LNP should remain vigilant during and after the potentially volatile period between the election and the official announcement of results and, in their efforts to maintain peace and order, should be careful not to overreact or use excessive force.
- UNMIL provided substantial technical, operational and logistical support to the NEC that increased the NEC's capacity to conduct these elections. The delegation hopes that steps will be taken to further transfer skills and technological infrastructure to Liberians in a sustainable manner to ensure that future elections can be conducted credibly by Liberians themselves.
- The international community should continue to closely monitor the announcement of results and the adjudication of complaints. The international

community should increase its support to Liberia in the medium to longer term to help consolidate nascent democratic institutions and practices.

III. ELECTORAL CONTEXT

Since October 2003, Liberia has been governed by the CPA. Negotiated by the parties to Liberia's conflict, as well as political party representatives and civil society leaders, the CPA established the National Transitional Government of Liberia (NTGL) to implement its provisions and to hold elections at the conclusion of the two-year transition period in October 2005. While the CPA brought an end to the war, transitional leaders ultimately did little to address its root causes. As a consequence, the campaign brought many unresolved issues into focus, particularly in the increasingly tense period before the November 8 run-off election.

Competition for political office at all levels exposed longstanding differences between Liberia's educated elites and the impoverished majority, gender divisions exacerbated by the high incidence of rape and mistreatment of women and girls during the war, the generational divide between elders and a burgeoning young population with limited access to education, employment and land resources, and conflict over the control of revenues derived from Liberia's natural resources.

Both publicly and privately, Liberians have stressed the importance of this election to long-term peace, reconciliation and development. Expectations that Liberia's newly elected government will improve the lives of citizens are high. Endemic corruption and the lack of governance systems in place to ensure transparency and accountability will be among the greatest challenges. In recognition of this challenge, the Governance and Economic Management Assistance Program (GEMAP), developed by the international donor community in coordination with the transitional government, is intended to place international financial experts in key revenue generating agencies to provide more robust oversight, and in some cases, to control Liberia's public finances.

A. First Round Election Observations and Recommendations

On October 11, Liberians began queuing as early as 2:00 am in advance of the scheduled 8:00 am poll opening. With an impressive 75 percent voter turnout, hundreds of polling officials worked throughout the day and into the night. Political party representatives were present in the majority of polling places and worked cooperatively to ensure a peaceful process, though the delegation noted that many representatives were not well-versed on either the process itself or their specific responsibilities. Approximately 1500 domestic election monitors were deployed to monitor the election in Liberia's fifteen counties and played a constructive and nonpartisan role throughout the process. UNMIL and Liberian security officials were on duty at almost every polling place and contributed to a peaceful election day.

A significant number of voters across the country were confused by the voting process, especially by the large number of candidates on the presidential ballot and

last-minute revisions to the procedure for the senatorial ballot. The majority of these voters turned to polling staff for assistance and in many cases were assisted in the ballot booth by presiding officers who, in some cases, were later accused of providing unnecessary or partisan assistance. Although permitted under election guidelines, presiding officers in many polling places were put in positions of considerable influence over the voters they were called upon to assist, and concerns were raised over the protection of the secrecy of the ballot.

None of the 22 candidates in the presidential race garnered the absolute majority of “50 percent plus one” valid votes required to win the race. The top two vote-getters, George Weah of the CDC and the UP’s Ellen Johnson Sirleaf, won 28.3 and 19.8 percent, respectively. The NEC declared official presidential, House and Senate results on October 26, with one Senate seat in Gbarpolu County still in dispute because of allegedly altered polling place tally sheets. Neither the UP nor the CDC gained majorities in either chamber, though the CDC gained 15 of 64 seats in the House, more than any other party.

B. Complaints and Appeals Process

Following the first round, 41 electoral complaints and letters were submitted to the NEC. Rulings are pending in eight of the consolidated 30 hearings held from October 24-31. Hearings on complaints were open to accredited observers, but information about them was not widely disseminated, and procedures for notifying candidates caused some parties to miss their appointments. Many of the complaints were based on misunderstandings of election procedures or law, and some were, according to the NEC adjudicator, more appropriate for complainants to bring to the criminal justice system. Overall, the adjudication procedures left some complainants feeling that their cases were not resolved satisfactorily.

The delegation is aware of concerns raised by the CDC in the form of a written complaint to the NEC over alleged irregularities during the November 8 runoff.

C. Voter Education

Voter education messages in the lead-up to the runoff focused on providing voters with basic information needed to participate effectively in the election, including notification of the date for the runoff, voting locations, the requirement for presentation of voter registration cards. Messages also instructed voters of their right to participate in the second round even if their first round candidate of choice was no longer in the race, and encouraged them to do so. UNMIL and NEC distributed posters, flyers and stickers around the country with these messages, and utilized radio to disseminate and repeat them. Because the reason for and importance of participating in the run-off election was poorly understood by large segments of the population, Liberian civic and community based organizations used radio, town meetings and focus group discussions to explain its importance in bringing the transition process to an end.

D. The Campaign

During the run-off period, the campaigns of both candidates were peaceful and largely free of incident. For example, the focus on addressing the marginalization of many young Liberians was commendable, as was the emphasis on competency, integrity and the delivery of promised services to the Liberian population. Political intimidation, a feature of past elections, was not apparent, though a number of isolated incidents were reported. Campaign efforts by both camps were focused on the more contested and populous counties of Nimba, Lofa, Grand Bassa and Bong, as well as Montserrado County, with approximately one-third of the voting population resides. Partisans sought supporters from the twenty candidates who lost in the first round and campaigned “door-to-door” for the second round.

As the campaign drew to a close, a number of civic and community-based organizations became more partisan, as did several transitional government figures and media outlets. Some of the political rhetoric became potentially inflammatory in the final days of the campaign period, raising concerns of election-related violence. However, political party supporters demonstrated admirable self-control at mass rallies in the final days of campaigning.

E. Media Coverage and Public Pronouncements

The Press Union of Liberia (PUL) developed a code of conduct for elections that was largely respected by Liberia’s print and electronic media through the first round of voting. In the days between the two rounds, however, coverage by a number of media outlets grew increasingly partisan and potentially inflammatory. In response, the PUL suspended one newspaper editor and reprimanded several radio outlets. Representatives of the international community, including the United Nations Special Representative of the Secretary-General (UN SRSG), cautioned the media to continue to provide responsible coverage of the election.

UNMIL radio played a significant role in disseminating country-wide civic and voter education messages in a balanced and nonpartisan way. Both candidates recorded messages that called on their supporters to campaign peaceably and accept the outcome of the election. Several of the candidates that lost in the first round recorded messages encouraging their supporters to turn out and vote.

Regrettably, public statements by some political leaders and their supporters that called into question the declared results of the first round contributed to an atmosphere of distrust and suspicion. At the same time, the intemperate and potentially detrimental response by the NEC was unhelpful.

IV. THE DELEGATION AND ITS WORK

The delegation arrived in Monrovia on Friday, November 4, and held a series of meetings with NTGL Chairman Gyude Bryant, NEC Chair Frances Johnson-Morris, UN SRSG Alan Doss and other representatives of UNMIL, senior representatives and leaders from political parties who contested the October 11 elections, civic leaders and representatives of the international community. The delegation also cooperated closely with the leadership of other international election observer delegations, including the European Union, the International Republican Institute (IRI), the Economic Community of West African States (ECOWAS) and the African Union.

On November 6, delegation members were deployed to the following nine counties: Bomi, Bong, Grand Bassa, 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 80 voting precincts and at 8 tabulation centers. Following the elections, the delegation members returned to Monrovia to share their findings and prepare this statement.

In preparation for both the October 11 and November 8 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. Both organizations have maintained a continual election monitoring presence in Liberia with resident staff and long-term observers. The joint election observation mission is supported by a grant from USAID with additional support to The Carter Center from the Government of Ireland.

THE CARTER CENTER



**CARTER CENTER/NDI INTERIM POST-ELECTION STATEMENT ON THE 2005
LIBERIAN NATIONAL ELECTIONS**

14 Dec 2005

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MONROVIA ... The Nov. 10 preliminary statement issued by the National Democratic Institute (NDI) / Carter Center international observer delegation provided a generally positive overall assessment of the process up to that point. Since then, Carter Center staff and long-term observers as well as NDI in-country staff have continued to monitor electoral developments, including the tabulation process, the National Elections Commission (NEC) of Liberia's posting of final election results, and the NEC hearings on electoral complaints, including those put forward by the Congress for Democratic Change (CDC) on behalf of its standard bearer, Ambassador George Weah. The Carter Center's long-term observers as well as NDI in-country staff also have continued meeting with senior officials of political parties, the NEC, the United Nations Mission in Liberia (UNMIL) electoral division, civil society groups, the diplomatic and donor communities, president-elect Ellen Johnson Sirleaf of the Unity Party (UP), and Ambassador Weah.

On Nov. 23, the NEC announced official election results and declared Ellen Johnson Sirleaf president-elect, having obtained 59.4 percent of the vote in the Nov. 8 presidential runoff. A number of electoral complaints have been filed, and the NEC has been conducting formal hearings for several weeks. The NEC is expected to issue rulings on most of the individual electoral complaints soon. In addition, the NEC is scheduled to begin hearings next week on a post-election contestation complaint filed by the CDC, which challenges the overall result. NEC rulings on electoral complaints can be appealed to the Supreme Court. Although the post-election period generally has been calm, the past several days have been marked by incidents of violence and intimidation.

This statement offers reflections based on the Carter Center's and NDI's observations of the overall electoral process, including the ongoing post-election complaints process.

Overall, the Center's and NDI's assessment of the electoral process is positive. While we are aware of several minor instances when polling officials did not follow procedures in completing record of count forms, as well as instances of several other irregularities,

the Center and NDI have not seen evidence of systematic fraud or problems that would materially affect the election results.

The Need for Restraint by All Parties. The Carter Center and NDI note the restraint with which political parties and their leadership have conducted themselves in the weeks following the runoff elections. We applaud all parties' stated commitment to pursue electoral complaints through the appropriate legal mechanisms. In general, the calm shown by the overwhelming majority of Liberians demonstrates their desire and determination to establish a sustainable peace in the country.

However, the Center and NDI are very concerned about the looting and violence that occurred in the wake of Ambassador Weah's public statement upon his return to Monrovia. Similarly, we are concerned about earlier allegations of threats of violence against some political figures and journalists. We join Liberian democrats in strongly condemning the politics of intimidation and violence. We call on all Liberians to renew their commitment to restraint in words and actions as the country makes its transition away from devastating conflict.

Media. Concerns have been expressed about media coverage of the election complaint hearings and other aspects of the political process. The Center and NDI urge all print, radio, and television media outlets to ensure their reporting is neutral and informative throughout this final period of the election process, as required by their code of conduct. In particular, the media should scrupulously avoid reporting unconfirmed rumors or creating unnecessary public alarm.

Complaints Process. The ongoing hearings on various electoral complaints appear to be affording due process to all parties involved. Although there have been minor problems relating to procedures and personal conduct and rhetoric, the proceedings generally are being conducted with transparency and in conformity with international standards for administrative tribunals.

During the CDC vs. NEC hearing, the Center and its long-term observers witnessed sometimes volatile, extended arguments about procedural matters and occasional personal insults among the attorneys. At times, members of the public also have been allowed to disrupt the hearings.

In the coming days, the full NEC Board of Commissioners may be requested to review the CDC's initial complaint, and the board is scheduled to begin hearing new evidence in the CDC's post-election contestation complaint. In order to maximize public confidence and to ensure an orderly and transparent process, the Center and NDI urge the NEC to take steps to ensure that procedures for these next hearings are understood and followed. In addition, the Center and NDI encourage all those involved in the complaints process to restrain their rhetoric and to continue to conduct themselves in good faith.

We recognize that the electoral complaints process is ongoing, and that the NEC, and possibly the Supreme Court, will make final determinations. We encourage the NEC to issue rulings on electoral complaints publicly and expeditiously. In addition, we urge that any election complaints that go forward to the Supreme Court be handled expeditiously. Delays should not be allowed to undermine this important part of the election process. Most importantly, the Center and NDI underscore that it is essential to Liberia's nascent democracy that NEC officials and Supreme Court justices consider these electoral cases free from intimidation of any kind.

As the electoral complaints procedure continues, the Center and NDI call for continued patience and respect for the process and the rule of law. Ultimately, the people of Liberia will determine whether the election and electoral dispute procedures were credible and transparent and whether the results accurately reflect their political will.

This statement is also available at www.cartercenter.org and www.ndi.org.

The Carter Center is a not-for-profit, nongovernmental organization, founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, to advance peace and health worldwide. The Center's work in Liberia is supported by the Government of Ireland and USAID. In addition, the Carter Centre U.K. is implementing an electoral assistance program along with Electoral Reform International Services, supported by the European Commission. For more information please visit www.cartercenter.org and www.cartercentre.org.uk.

NDI is a nonprofit organization working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides practical assistance to civic and political leaders advancing democratic values, practices and institutions. In Liberia, the Institute is providing assistance to civil society organizations to conduct voter education and election monitoring activities across the country. These programs are supported by USAID and the National Endowment for Democracy. For more information, please visit www.ndi.org.

Consistent with the spirit and intent of the Accra Comprehensive Peace Accords of 2003, the NEC's "Guidelines and Code of Conduct for Observers," and the 2005 "Declaration of Principles for International Election Observation," the Center's and NDI's international observation activities are intended to provide neutral and accurate reporting to help Liberians determine whether the elections are conducted in a manner acceptable to all. The Carter Center and NDI brought international election observation delegations to Liberia for the Oct. 11 first round and the Nov. 8 runoff, releasing preliminary statements after each delegation. NDI and The Carter Center will publish a final report on the 2005 Liberian presidential and legislative elections, drawing conclusions and making recommendations based on the full election process, including the resolution of electoral complaints, which must be assessed as an integral part of that process.



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International Election Observation Delegation to the 2005 Liberia Elections

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NDI/Carter Center International Election Observation Delegation for Liberia's first round national elections



International Election Observation Delegation to the 2005 Liberia Presidential Runoff Election

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