



Carter Center Preliminary Statement on the Liberia Presidential Run-Off Election

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Executive Summary

The Carter Center's election observation mission finds that Liberia's Nov. 8 presidential run-off election was conducted in general accordance with Liberia's legal framework and its international obligations for democratic elections. Regrettably, the election was marred by an opposition boycott, violence on the eve of the election, and low voter turnout.

From a technical perspective, the election was well-administered and on the whole polling staff carried out their duties admirably at polling stations throughout the country. The process was conducted transparently, with domestic and international observers having access to all stages of the electoral process. These positive aspects build upon the National Election Commission's (NEC) performance in the first round and auger well for Liberia's technical capacity to conduct credible and transparent elections in the future.

However, the events of the past week show that important challenges to Liberia's democratic consolidation remain. The opposition's decision to boycott the run-off was based on their assertion that the overall election process was significantly flawed. These claims remain unsubstantiated. In addition, the Liberian National Police's (LNP) use of deadly force in an action against the headquarters of the Congress for Democratic Change (CDC) on Nov. 7, together with the closure of three media outlets, eroded confidence and contributed to an atmosphere of fear, particularly in Monrovia. These events suggest a significant failure of the political process to resolve electoral disputes peacefully within the framework of the law.

To address these challenges, the Center suggests a number of urgent steps: (1) We welcome President Ellen Johnson-Sirleaf's statement that there should be an investigation into the events of Nov. 7. This investigation should be carried out in a timely manner by an independent body to ensure a credible and transparent inquiry with full accountability. (2) All parties should respect the official election results, pending the resolution of any legal challenges. (3) Liberian political leaders should redouble their efforts for a genuine and inclusive political dialogue leading to national reconciliation and governance reform.

The main findings of the Center's mission include:

The first round of the presidential election held on Oct. 11 was found by international and domestic observation groups to be credible, transparent, and without evidence of significant irregularities or systematic fraud. Since none of the 16 candidates received 50 percent plus one of the votes, the top two candidates, Ellen Johnson-Sirleaf of the Unity Party (UP) and Winston Tubman of the CDC automatically qualified for the run-off election held on Nov. 8;

In spite of the quality of the first round, the CDC decided to boycott the run-off election. While voting is a right, rather than an obligation, and a party is free to encourage its supporters not to participate, there is no legal provision in Liberia for withdrawing in between the first and second round of the election. The CDC's decision to boycott essentially denied the Liberian people a genuine choice within a competitive electoral process;

The legal provisions regarding the date of the run-off are not harmonized with the period in which results from the first round may be challenged and adjudicated. In practice, the NEC failed to issue decisions on several first round presidential complaints prior to the holding of the run-off;

The CDC's march on Nov. 7 violated provisions of the Code of Conduct for Political Parties that prohibit parties from undertaking election-related activities within 24 hours of the polls and was without proper authorization. While the march began peacefully, it rapidly degenerated into a confrontation between CDC supporters and the LNP that included CDC supporters throwing stones, police firing tear gas, and later, an action by the LNP against the CDC headquarters. Eyewitness accounts and video strongly suggest that the LNP used excessive force and fired weapons on unarmed persons, resulting in several deaths. Peacekeeping forces deployed by the United Nations Mission in Liberia (UNMIL) played a critical role in restraining the LNP and restoring order;

Events at the CDC headquarters were followed by the detention of more than 80 alleged CDC supporters, the closure of three media outlets, and the drawing up of a list of individuals whose travel outside the country has been banned. On Nov. 9, all detainees were released;

The atmosphere on election day was subdued in Monrovia but largely calm throughout the rest of the country. Although voter turnout appeared to be significantly lower than in the first round, many Liberians, including some CDC supporters, were determined to participate and they are to be commended for their commitment to the democratic process;

Carter Center observers reported that almost all polling stations throughout Liberia's 15 counties opened on time and that voting and counting were generally well-administered and transparent. Domestic observers were present in 52 percent of polling places observed. In the absence of CDC's party agents, the Liberian domestic observers provided an especially important safeguard for the integrity of the process;

The Center finds that Liberia's run-off election was conducted in general accordance



Statement of Preliminary Findings and Conclusions

POLITICAL BACKGROUND

In the presidential election on Oct. 11, 2011, incumbent President Ellen Johnson Sirleaf of the Unity Party (UP) and Congress for Democratic Change (CDC) Standard Bearer Ambassador Winston Tubman won the two highest shares of the vote, 43.9 percent and 32.7 percent, respectively. This qualified them to participate in the presidential run-off, held on Nov. 8. Prince Johnson, Standard Bearer for the National Union for Democratic Progress (NUDP), won 11.6 percent and Charles Brumskine of the Liberty Party (LP) won 5.5 percent. The remaining 12 parties won a combined share of 6.3 percent.

Following that election, The Carter Center reported that election day had been free from violence, transparent, and well-administered. These findings were supported by similar statements by international observer missions organized by the Economic Community of West African States (ECOWAS), the African Union (AU), and EISA (Electoral Institute for Sustainable Democracy in Southern Africa), along with domestic observers from the Elections Coordinating Committee (ECC), the Liberian Council of Churches (LCC), the Mano River Union Peace Network (MARWOPNET), and others. A subsequent report by The Carter Center found that the tally process, though marked by numerous computational and other minor irregularities, accurately reflected the results of the election and was free from evidence of systematic fraud.

Despite the findings of observers, on October 15 nine opposition political parties, including the CDC, rejected the results of the election and withdrew their party agents from observing the tally on account of “massive flaw[s]” in the electoral process. Among their complaints were that the NEC had rigged the elections, ballot stuffing, and tampering with results. Shortly thereafter Prince Johnson announced his support for President Sirleaf. Charles Brumskine later announced his and the Liberty Party’s support.

One of the CDC’s primary demands was effectively met when NEC Chairman James Fromayan resigned on Oct.30, announcing that he hoped that “there [would] be no further obstacle or pre-condition for their participation in the Nov. 8 presidential run-off election.”¹ Fromayan’s place was taken by Cllr. Elizabeth Nelson, the NEC co-chair, who possessed clear legal authority for the overall administration of the second round of the election.² Amb. Tubman said he welcomed the resignation but said that CDC’s participation in the upcoming election was still conditional. On Nov. 1, CDC Chairman Geraldine Doe Sheriff submitted a letter to the NEC demanding a number of “administrative arrangements” required to ensure CDC participation. These included reforms and new mechanisms – many of them

inconsistent with the Elections Law, the Liberian Constitution, or international best practices – that CDC hoped would improve the transparency of the electoral process. The CDC did not attend a meeting scheduled by the NEC to discuss the feasibility of these arrangements and to provide additional access to NEC tabulation and ballot storage facilities.

Subsequent efforts to facilitate dialogue, as well as discussions in Abuja initiated by Nigerian President Goodluck Jonathan, failed to produce any breakthrough. Amb. Tubman insisted that the second round was unconstitutional because their official complaints had remained unaddressed. President Sirleaf called on all Liberians to vote and suggested that Ambassador Tubman’s call for a boycott encouraged Liberians to “violate the constitution.” ECOWAS and the U.S. State Department issued statements that dismissed the CDC’s complaints and encouraged the party to participate. The Carter Center issued a statement on Nov. 6, indicating that Liberians have “a fundamental right to participate in public affairs, including the right to choose whether or not to cast a vote, in an atmosphere free from fear and intimidation.”

On Nov. 7, the CDC organized a march beginning at its party headquarters in Monrovia, despite a provision of the Code of Conduct for Political Parties that prohibits parties from conducting election related activities within 24 hours of the poll and without the necessary authorization from the authorities. This decision was followed by a tragic confrontation between police and CDC supporters.

President Sirleaf has indicated that there will be a formal investigation. Reports vary on some details of the events, but it is clear that the march began peacefully at CDC headquarters. Subsequently, party supporters spilled out onto the main thoroughfare of Tubman Boulevard and came into a running confrontation with police from the Police Support Unit (PSU) forces and Emergency Response Unit (ERU). The police had barricaded parts of Tubman Blvd in order to keep the road clear and to prevent the crowd moving in the direction of the nearby presidential residence.

The police fired tear-gas into the crowd and protesters threw rocks and bottles at security forces. Both Reuters and Al Jazeera reported that the police fired live ammunition into the crowd. At various points, UNMIL peacekeepers confronted the police as they attempted to separate CDC supporters from the police. At least four people were reported killed in the clashes³ and at least two police officers were injured. Video recordings clearly show the

The Carter Center also was informed that Muna Pelham, CDC representative-elect from Montserrado County, was denied permission to leave Liberia and that her passport was seized. The Commissioner of the Bureau of Immigration and Naturalization (BIN) confirmed that Ms. Pelham is one of approximately 20 individuals who are currently under investigation for inciting violence at the CDC headquarters and are not permitted to travel.

Finally, on the evening of Nov. 7 police operating on court order requested by the Ministries of Justice and Information shut down Kings FM, Love FM, Power FM, and Power TV for allegedly broadcasting false and misleading information and endangering public safety and security, in connection with the CDC boycott. The Press Union of Liberia (PUL) has called for them to be reopened.

The media plays an indispensable role during elections, educating voters and political parties about major issues and thus increasing access to information. Media enjoys the right of freedom of expression, which cannot be restricted unless the restriction is meant to ensure fulfillment of other rights or falls within a limited set of restrictions that are reasonable and objective.⁶

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complaints and appeals that challenge the results. Article 4.15 of the Elections Law interprets the Constitution by providing that the second round is to be held the second Tuesday following the announcement of the results of the first round – in this case Nov. 8, 2011. Despite outstanding complaints against the first round results at the time of the second round, the NEC did not postpone the holding of the second round (see Electoral Dispute Resolution section.)

ELECTION ADMINISTRATION

A transparent and impartial election management body is critical to guaranteeing that citizens are able to participate in a genuine democratic process.¹¹

The body responsible for organizing and conducting elections in Liberia is the National Elections Commission (NEC). The administrative structure of the NEC for the run-off remains unchanged since the first round of the elections. Polling took place in 19 magisterial areas in 15 counties at 1780 precincts. Within these precincts, 4457 polling places were reestablished. Voters voted according to their place of registration and at the same polling place as during the first round.

Technical assistance was provided to the NEC by IFES, funded by the United State Agency for International Development (USAID), and by the United Nations Development Program (UNDP), which oversees the multi-donor election basket fund. UNMIL assisted the NEC by providing airlift of elections materials to some remote locations in the Southeast and in Lofa and Gbarpolu counties. Security for the elections remained the responsibility of the NEC and the Government of Liberia, through the LNP supplemented by officers from the BIN, with support from UNMIL.

Preparations undertaken by the NEC went smoothly and, with only minor exceptions, elec0.0

Poll Staff and Procedures. Carter Center-EISA observers reported that poll workers acted in an impartial and professional manner in most cases. Identification procedures were followed and measures to prevent multiple voting were properly undertaken in the majority of polling stations observed. In 24 percent of polling places visited, observers reported that polling staff failed to check the voter's finger for ink.

Secrecy of the Ballot. Carter Center-EISA observers reported that secrecy of the ballot was not adequately ensured in five percent of polling places observed. In most cases this resulted from insufficient space or inadequate set up of the polling place.²¹ This represented a modest improvement over the first round, when ballot secrecy was not assured in eight percent of polling places observed.

Party Agents and domestic observers. Observers noted the presence of UP party agents in 94 percent of polling stations visited, while CDC party agents were present in only one. In 52 percent of polling places visited domestic observer groups were present, especially the Elections Coordination Committee (ECC), which deployed 1725 observers across all 15 counties. Carter Center-EISA observers also encountered domestic observers from the Liberian Council of Churches (LCC) and MARWOPNET. Carter Center-EISA observers reported that no official complaints were filed at the polling places they visited.

CLOSING AND COUNTING

The accurate and fair counting of votes post-election plays an indispensable role in ensuring the electoral process is democratic.²²

Poll Closing Atmosphere and Procedures. In the polling places observed, closing and counting took place in a peaceful atmosphere.²³ The closing time was respected in all but two observed cases, where polling places closed before 6:00 pm. Poll workers' understanding of closing and counting procedures appeared to have improved since the first round of elections. However, in some polling places, reconciliation procedures were not strictly followed, though observers reported that this did not appear to affect the integrity of the count. On a positive note, the number of invalid ballots at polling places observed dropped by half (from eight percent to four percent) in comparison to the average observed during the first round.

Carter Center-EISA observers reported that Record of the Count forms were displayed outside of 20 of 21 polling places observed. The display of results forms immediately after the count is an important element of transparency and this requirement should be strictly adhered to.

Tallying and Tabulation. The process of tallying votes at the magistrate's offices has not been completed. At this stage, observers report that the tally process has so far been conducted in a transparent and credible way with only a few irregularities being discovered.²⁴ The Carter Center will continue to observe the remainder of the

BACKGROUND ON THE CARTER CENTER'S ELECTION OBSERVATION MISSION