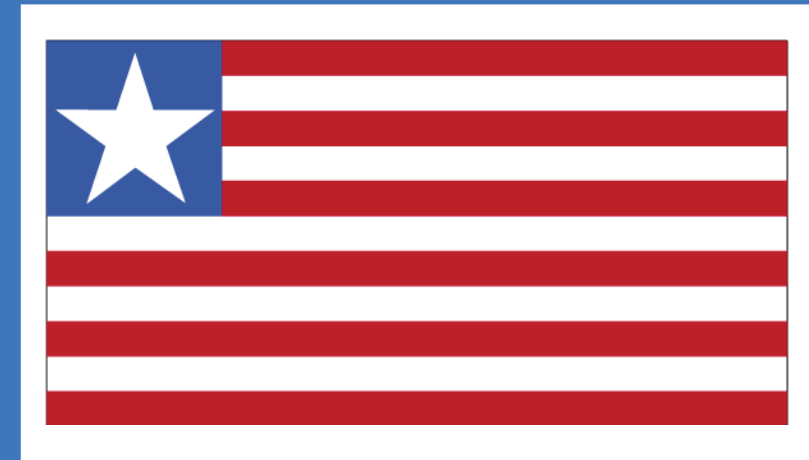


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EISA TECHNICAL ASSESSMENT TEAM AND ELECTION OBSERVER MISSION REPORT

LIBERIA



THE 23 AUGUST 2011 REFERENDUM

THE 11 OCTOBER 2011 PRESIDENTIAL, SENATE
AND HOUSE OF REPRESENTATIVES ELECTIONS

THE 8 NOVEMBER 2011 PRESIDENTIAL
RUN-OFF ELECTION



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EISA strives for excellence in the promotion of credible elections, participatory democracy, human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa.

EISA Observer Mission Report, No. 44

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We are also thankful to the representatives of political parties, civil society organisations, the media, academia, international and national NGOs, and the donor community in Liberia, who made themselves available to brief the mission, and to meet the teams in the various counties. We are also appreciative of other international observer missions for the interactions and information sharing during the stay of the mission in Liberia. We are particularly grateful to the Carter Center, which partnered with EISA during both rounds of the elections.

Our gratitude goes to Mr Leshele Thoahlane, former Chairperson of the Independent Electoral Commission of Lesotho and Chairperson of the EISA Board of Directors, for leading the EISA mission at the first round of the elections, and to Justice Irene Mambilima, Chairperson, Electoral Commission of Zambia (ECZ), for leading the EISA mission at the run-off presidential election. Thanks to the staff of the Elections and Political Processes Department for organising the missions and Mr Miguel de Brito and Ms Olufunto Akinduro for preparing this report.

We are also thankful to the members of the EISA mission for being available to join the EISA mission and for their contribution to its success.

Our deepest gratitude is extended to the Department for International Development (DFID) for funding the mission.

EXECUTIVE SUMMARY

In response to the invitations of the National Elections Commission of Liberia (NEC), EISA deployed a Technical Assessment Team to observe the 23 August 2011 referendum. EISA also deployed an Election Observer Mission to observe and assess the integrity of the presidential, Senate and House of Representatives elections that were held on 11 October 2011 and the run-off presidential election that was held on 8 November 2011.

The EISA mission to the presidential and legislative elections was led by Mr Leshele Thoahlane, former Chairperson of the Independent Electoral Commission of Lesotho, and Chairperson of the EISA Board of Directors. The EISA mission to the run-off presidential election was led by Justice Irene Mambilima, Chairperson of the Electoral Commission of Zambia (ECZ). Mr Miguel de Brito, EISA Country Director in Mozambique, was the deputy mission leader for both missions. The EISA Technical Team to the referendum comprised three observers drawn from Nigeria, Sierra Leone and South Africa. The mission to the first round of the general elections comprised 18 members, including representatives from electoral commissions and civil society organisations from Cameroon, Cote d'Ivoire, Democratic Republic of Congo, Ethiopia, Kenya, Lesotho, Mozambique, Nigeria, Sierra Leone, South Africa, Republic of South Sudan, Uganda and Zimbabwe. The mission to the run-off presidential elections comprised 15 observers from Kenya, Mozambique, Nigeria, Sierra Leone, South Africa, Republic of South Sudan, Uganda and Zambia.¹

EISA deployed a Technical Assessment Team to the 23 August 2011 referendum, which was on the ground from 15 to 24 August 2011. During this period, the team consulted with electoral stakeholders such as political parties, CSOs and the NEC. The team also attended a briefing for international observers organised by the NEC on 20 August 2011. On referendum day, the team observed the opening, voting, closing and counting processes in Monsterrado and Margibi Counties. The team visited a total of 13 polling centres in the two counties.

The EISA mission to the presidential and legislative elections was deployed in partnership with the Carter Center. Both organisations adopted the same observation methodology and deployed observers in joint teams across the country, under the TCC-EISA Integrated Election Observation Mission. The mission was on the ground in Liberia from 4 to 14 October 2011. Its observation began with an observer briefing session conducted on 6-7 October 2012 at Mamba Point Hotel. The briefing session provided observers with the conceptual framework for election observation and guiding principles for the assessment of elections. The mission was briefed by the NEC and Liberian CSOs and observers received an election day simulation. Observers were also trained on the use of the android Open Data Kit (ODK) system for collection of data on election day and incorporation of randomisation in observation. On 8 October 2011, EISA observers were deployed in joint teams with TCC observers in eight counties, namely: Bomi, Bong, Grand Bassa, Grand Cape Mount, Margibi, Monterrado, Nimba and River Cess. Observers were equipped with android phones for the collection and real-time transmission of observations to the mission's operation room in Monrovia. EISA observer teams visited a total of 130 polling places on election day.

The EISA Mission to the 8 November 2011 run-off presidential election was on the ground from 2 to 12 November 2011. As in the first round, the briefing and deployment of its observers was coordinated with the Carter Center. Its methodology was the same as the first round, with an observer briefing session held on 3-5 November 2011 and observers deployed on 6 November in the same counties as the first round. Given the complaints that accompanied the vote aggregation process during the first round of the elections, observers remained in their areas of deployment for a day after the elections to follow the vote aggregation process.

EISA's assessment of the 23 August 2011 referendum, the 11 October 2011 presidential and legislative elections and the 8 November 2011 run-off presidential election was based on the AU Declaration on the Principles Governing Democratic Elections in Africa, the Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers and the Principles for Election Management, Monitoring

and Observation (PEMMO).² On the basis of the benchmarks provided in these instruments and its observations, the EISA mission concluded that the elections were conducted in a manner that allowed the people of Liberia to express freely their democratic choice.

This report presents the observations and findings of the EISA mission. The mission offers its conclusion and recommendations for further improvements of future elections.

THE EISA APPROACH TO ELECTION OBSERVATION

EISA strives for excellence in the promotion of credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa. In this regard, EISA undertakes applied research, capacity building, advocacy and other targeted interventions. It is within this broad context that EISA fields election observer missions to assess the context and the conduct of elections on the continent.

In order to assess the 2011 national referendum in Liberia, EISA deployed a technical assessment team comprising three members, who were on the ground for up to 10 days in Liberia. For the 11 October 2011 presidential and legislative elections and the 8 November 2011 run-off presidential election, it deployed an observer mission in collaboration with the Carter Center for better geographical coverage of the country and the sharing of election observation methodology.

The EISA missions to the first and second round of the 2011 elections in Liberia were on the ground for up to 10 days. A two-day joint briefing session was held in Monrovia for TCC and EISA observers. Observers were briefed on election observation; international and regional benchmarks for elections; standards for democratic elections; the code of conduct of international election observers; and incorporation of randomisation in observation. During the briefing sessions observers also received a presentation of election day simulation and briefings from Liberian CSOs and the NEC on their assessment of the political context of the elections and preparations for the elections.

Building on its introduction of technology in the observation of elections, which was piloted in its mission to the Zambia elections, the EISA Mission in Liberia also used the Open Data Kit (ODK) on mobile phones for the collection and transmission of election day data. Observers were therefore trained on the use of ODK on mobile phones during the briefing sessions. On election day each team of observers was equipped with android phones and paper checklists as back up for the electronic checklist uploaded on the phones.

During the first round of the elections, observers were deployed three days before the elections, and during the second round they were deployed two days before the elections. In the days before the elections, observers attended the final election campaigns in their areas of deployment and followed the final preparations of NEC for the elections. Observers also consulted stakeholders in their areas of deployment for an assessment of the political situation in the districts.

On election days, observers were provided with a list of polling stations chosen through a randomisation methodology. Through this methodology, the mission was able to cover polling stations located in urban and rural areas. Data received on election day was transmitted in real time to the mission's operation centre in Monrovia; it was therefore easy to analyse data on a daily basis and present a preliminary report. Observers returned from their areas of deployment for a debriefing session in Monrovia.

The missions ended with the presentation of the preliminary statements at a press conference. On 13 October 2011, the EISA mission presented its preliminary statement on the first round of the elections at a press conference, and on 10 November 2011 it presented its preliminary statement on the run-off elections.³

List of Abbreviations

ACD	American Colonisation Society
AFL	Armed Forces of Liberia
CAA	Constitution Advisory Assembly
CDC	Congress for Democratic Change
CPA	Comprehensive Peace Agreement
ECOMOG	ECOWAS Monitoring Group
ECOWAS	Economic Community of West African States (ECOWAS)
ED	Executive Director
EL	Elections Law
FRR	Final Registration Roll
IDP	Internally Displaced Persons
IFES	International Foundation for Electoral Systems
IGNU	Interim Government of National Unity
INPFL	Independent National Patriotic Front of Liberia
LAP	Liberia Action Party
LDF	Lofa Defence Force
LEP	Liberia Empowerment Party
LNTG	Liberia National Transition Government
LP	Liberty Party
LPC	Liberian Peace Council
LRP	Liberian Reconstruction Party
LTP	Liberia Transformation Party
LUP	Liberia Unification Party
LURD	Liberians United for Reconciliation and Democracy
MODEL	Movement for Democracy in Liberia
MOJA	Movement for Justice in Africa
MPC	Movement for Progressive Change
NCC	National Constitution Commission
NDC	National Democratic Coalition
NEC	National Elections Commission
NPFL	National Patriotic Front of Liberia
NPP	National Patriotic Party
NSDP	National Social Democratic Party
NUDP	National Union for Democratic Progress
PAL	Progressive Alliance for Liberia
PRC	People's Redemption Council
PRR	Provisional Registration Roll
TRC	Truth and Reconciliation Commission
TWP	True Wig Party
ULIMO	United Liberation Movement for Democracy in Liberia
UNDP	United Nations Development Programme
UNMIL	United Nations Mission in Liberia
UNOMIL	United Nations Observer Mission in Liberia
UP	Unity Party
USD	United States Dollar
WANEP	West African Network for Peacebuilding
WONGOSOL	Women's NGO Secretariat of Liberia



1

Historical and Political Overview



I.1 Historical background

I.2 Overview of elections and referenda in Liberia

I.3 Context of the 2011 elections

I.1 HISTORICAL BACKGROUND

What is today known as the Republic of Liberia was formed by freed slaves who were returned to Africa by the American Colonisation Society (ACS) during the decolonisation campaigns by the United States (US) in the 1800s. Freed slaves were resettled along the coasts of what are today known as Liberia and Sierra Leone. The first set of Americo-Liberian⁴ settlers arrived in 1820, and the resettlement of freed slaves continued thereafter. It is important to mention that the coast, which was named 'grain coast' by Portuguese traders in the fifteenth century, was inhabited by indigenous ethnic groups, including the Kpelle, Bassa, Gio, Mano, and Mandingo. The settlement of freed slaves continued under American supervision through the ACS, and this new settlement was later named the Commonwealth of Liberia. Its main city was named Monrovia after the American president James Monroe.

On 26 July 1847, the colony declared its independence and the Republic of Liberia was born, with Monrovia as its capital. Joseph J. Roberts was elected its first President.⁵ Following its independence, the new republic was under the rule and domination of the Americo-Liberians for the next 83 years. This period was characterised by denial of citizenship rights to indigenous people, establishment of a one-party state under the True Wig Party (TWP), which was established in 1870, and a closed-door economic policy that placed restrictions on trade with European countries. These restrictions on trading and citizenship rights and the continued domination of the minority led to growing dissatisfaction among the indigenous people.⁶ The dissatisfaction of

the indigenes was expressed in their formation of mass movements within and outside Liberia such as the Progressive Alliance for Liberia (PAL) and the Movement for Justice in Africa (MOJA). These movements later became parties that sought to contest against the dominant TWP. Besides seeking to contest elections, the movements were vocal and mobilised protests and rallies against the government of the day. The most significant of these protests was the 14 July 1979 rice protests in response to the government's decision to increase the price of rice. The rice riot opened the door to opposition activities in Liberia.

1980 Coup

On 12 April 1980, Master Sergeant Samuel Doe organised a military coup that led to the assassination of President William Tolbert and brought an end to the era of Americo-Liberian domination. The years between 1980 and 2003 were characterised by oppressive military rule, summary executions of previous government officials, widespread corruption and ethnic strife that later degenerated into civil wars.

1989 coup and civil war

Samuel Doe's regime, which lasted from 1980 to 1989, was partly a military regime under the People's Redemption Council (PRC) and later on a controlled or hegemonic form of democracy under which he held elections in 1985 which he won. Ethnic strife, which was a key feature of the Doe regime, was already intense among the indigenes, who saw Doe's appointment of people of his ethnic Krahn origin into the government and the military as a means of establishing Krahn supremacy over other tribes in Liberia. The ethnic rivalry took a new dimension when General Thomas Quiwonkpa of Gio ethnic origin from Nimba County⁷ attempted a coup on 12 November 1985. Though the coup was successfully repelled by Doe's army, it led to reprisal attacks targeted against the people of Nimba. Some scholars described the attacks as a form of genocide against the Gio and Mano.⁸

Doe's regime was disrupted by a military coup spearheaded by his former procurement chief, Charles Taylor, who invaded Liberia from Ivory Coast on 24 December 1989. This invasion marked the beginning of a prolonged civil war that lasted up till 1996. With the support of a group of rebels under the umbrella of the National Patriotic Front of Liberia (NPFL) Taylor invaded

Liberia through Nimba in an attempt to seize power and to liberate the people from Doe's tyrannical rule. Due to the ongoing attacks launched by the government on Nimba, Taylor's NPFL quickly gained support from the Gio and Mano ethnic groups, who at the time needed to be rescued from Doe and his Krahn-dominated army. The Mandingo, on the other hand, supported Doe's army. The situation degenerated into full-scale civil war as government forces massacred the civilian Gio and Mano population in Monrovia and the NPFL launched reprisal attacks against the Krahn and Mandingo.

While Taylor's invasion was initially welcomed, support for him soon developed along ethnic lines because Taylor was an Americo-Liberian and was seen as attempting to return power to the Americo-Liberians. A faction of the NPFL led by Prince Yormie Johnson⁹ called the Independent National Patriotic Front (INPF) launched a counter war in defence of his own people from Nimba and to prevent the NPFL from capturing Monrovia. Amid the crisis, many Liberians fled to neighbouring Guinea, Ivory Coast and Sierra Leone as refugees. The crisis in Liberia at this time began to spread to neighbouring countries, thus taking on a regional dimension. On 9 September 1990, Samuel Doe was killed by Prince Johnson.

By this time, Liberia no longer had a national military force¹⁰ in place and required external intervention to restore peace. Events took a different turn with the intervention of the Economic Community of West African States (ECOWAS), which was necessitated by the spread of the crisis across the region into Ivory Coast and Sierra Leone. ECOWAS intervention took the form of mediation and military intervention.

In August 1990 ECOWAS deployed peacekeepers under the ECOWAS Monitoring Group (ECOMOG),¹¹ and a Liberian National Conference was convened in Banjul, The Gambia, under the auspices of ECOWAS. This conference sought to reach an agreement between the warring groups and put in place an interim government. At the conference an Interim Government of National Unity (IGNU) was established under the leadership of Prof. Amos Sawyer. The IGNU was however not recognised by Taylor's NPFL, which by this time had established the National Patriotic Reconstruction Assembly Government in Gbarnga County and was not willing to relinquish power. Thus the war continued.

Following the death of Doe, the remnants of his forces that had fled to Sierra Leone and Guinea formed the United Liberation Movement for Democracy in Liberia (ULIMO) in 1991. There was also the emergence of many other rebel groups that decided to engage in the fight for control of the seat of power in Liberia, such as the Lofa Defence Force (LDF) and the Liberian Peace Council (LPC). By this time, Monrovia was under the protection of ECOMOG forces, and other parts of Liberia were controlled by the warring groups. The period from 1991 to 1996 was characterised by international and regional intervention to restore peace in Liberia. A total of 13 peace accords were signed, facilitated by the UN and ECOWAS.

The most significant of these peace agreements were the Geneva and Cotonou Accords of 1993, which entailed the establishment of a UN Observer Mission in Liberia (UNOMIL), the establishment of an AU peacekeeping mission in Liberia, demilitarisation of all rebels, repatriation of Liberian refugees, and the constitution of the Liberia National Transition Government (LNTG).¹² While the establishment of the LNTG was welcomed by Taylor, the war took on a new dimension late in 1994 as a result of in-fighting within the ULIMO with the Krahn faction led by Roosevelt Johnson (called ULIMO_J), while the Mandingo faction was led by Alhaji Kroma (called ULIM-K). These splinter groups also clashed with the NPFL, which sought to establish nation-wide control, and the LDF.

As a result of the resumed fighting, international mediators ceded power to a Council of State that had representation from the three main warring factions, namely: NPFL, ULIMO-K and LPC. The Council was Chaired by Wilton Sankawulo and had representatives from traditional institutions. Owing to internal wrangling the Council did not succeed in keeping the peace.

The war was brought to an end in January 1997 with a disarmament programme that was put in place. Elections held in July 1997 saw Charles Taylor elected as president. He ruled the country until 2003.

Civil war again

Taylor's regime did not bring much respite to the people of Liberia, as he turned out to be more autocratic than previous regimes. He also supported rebel activities in neighbouring countries such as Ivory Coast, Guinea and

Sierra Leone. His support of the Revolutionary United Front in Sierra Leone led to the death and displacement of many. In response to his continued tyranny, two rebel movements emerged in 2003, namely Liberians United for Reconciliation and Democracy (LURD) and Movement for Democracy in Liberia (MODEL). LURD received support from neighbouring Guinea, while MODEL received support from neighbouring Ivory Coast. Liberia was plunged into another civil war in 2003, with different parts of the country under rebel control. The situation did not end in a win for any of the warring groups, but ended with ECOWAS-led peace talks that started in Accra, Ghana, in June 2003. The talks ended in an agreed ceasefire.¹³ On 11 August 2003, Charles Taylor resigned his position as president, was offered asylum in Nigeria and was later arrested on the basis of an indictment against him by the UN Special Court on Sierra Leone. He is currently being tried by the International Criminal Court for crimes against humanity committed in Sierra Leone.

Taylor's resignation paved way for the signing of a Comprehensive Peace Agreement (CPA) on 18 August 2003 by the main rebel groups and Taylor's National Patriotic Party (NPP).¹⁴ The CPA entailed the establishment of a National Transitional Government of Liberia (NTGL) and a four-way power-sharing structure to ensure full representation of all sides, and elections were scheduled for 2005. The NTGL was inaugurated on 14 October 2003 under the leadership of Charles Gyude Bryant, a businessman.

The period of transitional rule was closely monitored and guarded by the UN and ECOWAS. This period also featured intensive demobilisation of rebels and the establishment of a transitional commission, which conducted the 2005 elections that brought to power President Ellen Johnson-Sirleaf, Africa's first elected female head of state. The NTGL handed over power to the elected government in January 2006.

1.2 OVERVIEW OF ELECTIONS AND REFERENDA IN LIBERIA

Since its independence, Liberia has held over 49 elections and 17 referenda.¹⁵ Liberia's political background can be divided into three parts: the first being the period of Americo-Liberian domination and the one-party state under the rule of the TWP (1847-1980), the second being the period of military rule (1980-2005) and controlled democracy and the third being the post-conflict

dispensation (2005 to date). This report will consider elections held in the second and third political dispensations only.

In the years between 1980 and 2005, three general elections and one referendum were held. The constitution of Liberia is built on the premise that power is inherent in the people. Thus any amendment of the constitution must be subject to the approval of the people of Liberia in a referendum. Following the suspension of the 1847 Constitution as a result of the 1980 coup, President Doe established a National Constitution Commission (NCC) under the chairmanship of Prof. Amos Sawyer. The NCC was mandated to draft a new constitution for the Republic; it was inaugurated on 12 April 1981 with 25 members. The NCC completed its work and submitted a draft of the constitution to the PRC in March 1983. This draft was in turn subjected to a review by the Constitution Advisory Assembly (CAA), composed of 59 members.

The draft constitution was put to public vote in a national referendum on 3 July 1984. A total of 689,929 voters were registered and 82.2% of them turned out to vote. The new constitution was approved by a 98.58% yes vote.¹⁶ The constitution passed in 1984 remains the basis for governance in Liberia till date. With the new constitution in place, elections were scheduled to take place on 15 October 1985. As opposed to previous elections, the 1985 elections were contested by parties formed by indigenes. While Doe was criticised for preventing some parties from registering to contest in the elections, it is important to note that the elections were the first to be held in the post-Americo-Liberian era. Below is a summary of the election results:

Table 1: Results of 15 October 1985 presidential elections

Candidate	Party	Number of votes	% of votes
Samuel Doe	National Democratic Party of Liberia (NDPL)	264,362	50.93
Jackson Doe	Liberia Action Party (LAP)	137,270	26.45
Gabriel Kpolleh	Liberia Unification Party (LUP)	59,965	11.55
Edward Kesselly	Unity Party (UP)	57,443	11.07

Total registered voters: 977,862

Total valid votes: 519,040

Table 2: Results of 15 October 1985 legislative elections

Party	Senate	House of Representatives
	Number of seats	Number of seats
National Democratic Party of Liberia (NDPL)	22	51
Liberian Action Party (LAP)	2	8
Liberian Unification Party (LUP)	1	3
Unity Party (UP)	1	2
TOTAL	26	64

Source: <http://africanelections.tripod.com/lr.html>

Table 3: Results of 19 July 1997 presidential elections

Candidate (Party) [Coalition]	Party or coalition	Number of votes	% of votes
Charles G. Taylor	National Patriotic Party (NPP)	468,443	75.33
Ellen Johnson-Sirleaf	Unity Party (UP)	59,557	9.58
Alhaji G.V. Kromah ¹⁷	All Liberia Coalition Party (ALCOP)	25,059	4.02
Cletus Wotorson	Liberian Action Party (LAP) under the Alliance of Political Parties [ALLIANCE]	15,969	2.57
Gabriel Baccus Mat- thews	United People's Party (UPP)	15,604	2.51
Togba-Nah Tipoteh	Liberia People's Party (LPP)	10,010	1.61
George Boley	National Democratic Party of Liberia (NDPL)	7,843	1.26
Harry Moniba	Liberia National Union (LINU)	6,708	1.08
George T. Washington	People's Democratic Party of Liberia (PDPL)	3,497	0.56
Martin Sheriff (NRP)	National Reformation Party	2,965	0.48
Chea Cheapoo (PPP)	Progressive People's Party	2,142	0.34
Henry Fahnbulleh (RAP)	Reformation Alliance Party	2,067	0.33
Fayah Gbollie (FDP)	Free Democratic Party	2,016	0.32
Total number of registered voters	751,430		
Total valid votes cast:	621,880.		

Source: <http://africanelections.tripod.com/lr.html>

Following the prolonged civil war that swept Liberia for seven years, another election was conducted in 1997 as part of the transition programme. The elections were conducted at a time when Liberia was gravely divided along ethnic lines, with different rebel forces controlling different parts of the country. The elections were contested by more candidates with different affiliations to the factions on the ongoing war. Some parties contesting in the elections were offshoots of rebel groups such as the NPP and the NDPL. Charles Taylor emerged the winner of the elections (see Table 3 on page 7).

Table 4: Results of the 19 July 1997 legislative election

Party/[Coalition]	% of votes	Senate	House of Representatives
		Number of seats (26)	Number of seats (64)
National Patriotic Party (NPP)	75.33	21	49
Unity Party (UP)	9.58	3	7
All Liberian Coalition Party (ALCOP)	4.02	2	3
Alliance of Political Parties [ALLIANCE]	2.57	-	2
United People's Party (UPP)	2.51	-	2
Liberian People's Party (LPP)	1.61	-	1
National Democratic Party of Liberia (NDPL)	1.26	-	-
Liberia National Union (LINU)	1.08	-	-
People's Democratic Party of Liberia (PDPL)	0.56	-	-
National Reformation Party (NRP)	0.48	-	-
Progressive People's Party (PPP)	0.34	-	-
Reformation Alliance Party (RAP)	0.33	-	-
Free Democratic Party (FDP)	0.32	-	-
Total number of registered voters:		751,430	
Total valid votes cast		621,880	

Source: <http://africanelections.tripod.com/lr.html>

The 1997 legislative elections were conducted under a proportional representation system in which parties won legislative seats on the basis of the percentage of votes won in the presidential election. Invariably, this system helped to establish the ruling party as the party with the majority in parliament.

The 2005 elections were again transitional elections that were conducted by the international community under the supervision of the NTGL. The elections were contested by a number of old political parties, but, more importantly, they were contested by some of the individuals who had been active in Liberian political life either as cabinet members or rebels during the war. Besides these, there was also the emergence of a new political player who was a strong contender in the elections – George Weah, a former professional footballer. The elections were conducted in two rounds, because a winner did not emerge from the first round of the elections. The top four contenders in the presidential elections were Ellen Johnson-Sirleaf, former Deputy Minister of Finance in the Tolbert administration, former Minister of Finance in the Samuel Doe regime, former World Bank and UN official and a contestant in the 1997 elections; George Weah, an international football star; Charles Brumskie, a prominent Americo-Liberian and ex-Taylor supporter; and Winston Tubman, a nephew of former President Tubman and former Minister of Justice in the Samuel Doe regime.

In the first round of the elections, George Weah emerged with the highest number of votes (28.27%) and Ellen Johnson-Sirleaf emerged with 19.75% of the votes cast. These two contested in the run-off elections that recorded a 61% voter turnout. Ellen Johnson-Sirleaf emerged winner in the second round, with 59.40% of the votes.¹⁸ President Sirleaf's emergence as the winner in the second round was attributed to her education and experience as a World Bank staff member, while Weah was a secondary school drop-out.

Table 5: Results of 11 October and 8 November presidential and run-off presidential elections

11 October 2011 presidential elections				8 November 2011 runoff presidential elections	
Presidential and vice-presidential candidates	Party	Votes	%	Votes	%
WEAH, George Manneh JOHNSON J. Rudolph	Congress for Democratic Change (CDC)	275,265	28.3	327,046	40.6
JOHNSON-SIRLEAF Ellen BOAKAI Joseph Nyuma	Unity Party (UP)	192,326	19.8	478,726	59.4
BRUMSKINE Charles Walker WARD Amelia Angeline	Liberty Party LP)	135,093	13.9		
TUBMAN Winston A. SULUNTEH Jeremiah congbeh	National Democratic Party of Liberia (NDPL)	89,623	9.2		
SHERMAN Harry Varney Gboti-Nambi FANIA JOHN KOLLEHLON	Coalition for Transformation of Liberia (COTOL)	76,403	7.8		
MASSAQUOI Roland Chris Yarkpah PAYGAI SR. Q. Somah	National Patriotic Front (NPP)	40,361	4.1		
KORTO H Joseph D.Z. BARCLAY JR. James Kollie	Liberia Equal Rights Party (LERP)	31,814	3.3		
KROMAH Alhaji G.V. RUSSELL SR. Emmanuel Mac	All Liberian Coalition Party (ALCOP)	27,141	2.8		
TIPOTEH TogbaNah DAHNS Marcus S.G.	Alliance for Peace and Democracy (APD)	22,766	2.3		
TUBMAN William Vacanarat Shadrach WILLIAMS Garlo Isaac	Reformed United Liberia Party (RULP)	15,115	1.6		
MORLU John Sembe DEMEN Joseph Omaxline	United Democratic Alliance (UDA)	12,068	1.2		
BARNES Milton Nathaniel HARRIS Parleh Dargbeh	Liberia Destiny Party (LDP)	9,325	1.0		

11 October 2011 presidential elections				8 November 2011 runoff presidential elections	
Presidential and vice- presidential candidates	Party	Votes	%	Votes	%
TOR-THOMPSON Margaret J. MARSH SR. J. Rudolph	Freedom Alliance Party of Liberia (FAPL)	8,418	0.9		
WOAH-TEE Joseph Mamadee BROH I. Samuel Washington	Labour Party of Liberia (LPL)	5,948	0.6		
CONNEH Sekou Damate SALI Edward Yarkpawolo	Progressive Democratic Party (PRODEM)	5,499	0.6		
FARHAT David M. GBOLLIE Saah Ciapha	Free Democratic Party (FDP)	4,497	0.5		
KIEH JR. George Klay TOKPA Alaric Kormu	New Deal Movement (NDM)	4,476	0.5		
JALLAH Armah Zolu SAMMY SR. Isaac G.	National Party of Liberia (NPL)	3,837	0.4		
KPOTO Robert Momo SINGBE Sylvester Bondo	Union of Liberian Democrats (ULD)	3,825	0.4		
KIADII George Momodu MCGILL Washington Shadrack	National Vision Party of Liberia (NATVIPOL)	3,646	0.4		
DIVINE SR. Samuel Raymond MAMU SR. Jacob Gbanalagaye	Independent	3,188	0.3		
REEVES Alfred Garpee SHERIF Martin Mohammed Njavola	National Reformation Party (NRP)	3,156	0.3		
Total no. of registered voters	1,352,730				
Total valid votes		973,790		Total valid votes	805,572
Invalid votes		38,883	3.8	Invalid votes	20,144 (2.4%)
Total votes cast		1,012,673	74.9 voter turnout	Total votes cast	825,716 61% voter turnout

Source: <http://www.necliberia.org/results/PDFs/NationalProgressiveresultsReport.pdf>

Table 6: Result of 11 October 2005 legislative elections

Party or coalition	Senate		House of Representatives	
	Number of seats won	% of representation	Number of seats won	% of representation
ALCOP	1	3.3	2	3.1
APD	3	10	5	7.8
COTOL	7	23.3	8	12.5
CDC	3	10	15	23.4
Independents	3	10	7	10.9
LP	3	10	9	14.1
NDPL	2	6.7	1	1.6
NPP	3	10	4	6.3
NRP	1	3.3	1	1.6
NDM	0	0	3	4.7
UDA	0	0	1	1.6
UP	4	13.3	8	12.5
Total no. of seats	30		64	

Source: official website of NEC: <http://www.necliberia.org/results/PDFs/NationalProgressiveresultsReport.pdf>

1.3 CONTEXT OF THE 2011 ELECTIONS

After years of conflict, President Sirleaf's administration was faced with the task of reconstructing the country and ensuring that Liberia's fragile political context did not revert to violent conflict. Her administration had the full support of the United Nations Mission in Liberia (UNMIL) and ECOWAS, which were committed to maintaining peace. As part of the 2003 CPA, a Truth and Reconciliation Commission (TRC) was inaugurated in June 2006 with a mandate to investigate human rights violations that took place between 1979 and 2003, and provide a platform for addressing impunity. The Commission held hearings across Liberia and submitted its final report in 2009. In the run-up to the 2011 elections, opposition parties began to question why the government had yet taken any action on the report of the TRC.

Besides the unresolved questions surrounding the TRC reports, the government also had to grapple with the resettlement of IDPs, and the repatriation of refugees and asylum-seekers who were gradually returning home. The

preparations for the elections (especially voter registration) were conducted simultaneously with the resettlement initiatives. Another factor that must be mentioned about the context of the 2011 election was the post-electoral conflicts in Ivory Coast that led to an influx of Ivorian refugees into Liberia. The National Elections Commission (NEC) was therefore left to devise a method of differentiating non-Liberians from the Liberian population. It is also important to note that Liberia does not have a national civil register of its citizens.

The pre-2011 electoral context was characterised by mergers of political parties and certification of new parties. The elections also featured contestants from the 2005 elections running under different party umbrellas. The most significant mergers were the mergers of the Liberia Action Party (LAP) and the Liberia Unification Party (LUP) with the ruling UP. It is important to note that the former leader of the LAP, Mr Verney Sherman, was a presidential candidate in the 2005 elections on the ticket of the Coalition for the Transformation of Liberia (COTOL). He became the 5th candidate to pledge his support to the CDC in the run-off elections. Considering the fact that he supported the opposition in the 2005 run-off, his decision to merge with the ruling party in 2011 raises the question of whether the merger was based on ideology or on a simple desire for power. Mr Sherman was elected the leader of the UP at its 2010 congress.

While the major opposition party, the CDC, did not benefit from any major mergers, it lost some of its members who decamped to join the UP. George Weah, the popular footballer and CDC presidential candidate in the 2005 elections, was criticised for his poor formal education, and so the party was proud to announce his recent college graduation. However, this did not guarantee him the party's ticket for the presidential race in the 2011 elections.

It is also important to mention other political actors from the 2005 elections who were involved in the 2011 race. Mr Winston Tubman, an ex-diplomat and one time minister of justice in the Samuel Doe regime, contested the presidency in 2005 on the ticket of the NDPL. He was then the 4th of the 22 contestants in the elections. For the 2011 elections, he remained a key actor when he was nominated by the CDC as its flag bearer. Prince Yormie Johnson,

an ex-militant who was elected to the Senate in 2005 as an independent candidate representing Nimba County, also received the nomination of the NDPL in the 2011 elections. Mr Charles Brumskine, who contested the 2005 presidential elections as the candidate of the LP, also remained a candidate in the 2011 race. The 2011 elections were conducted within this context of new mergers and new parties with old actors.¹⁹

A list of amendments to the constitution to the Senate and House of Representatives were proposed. These amendments included a proposal for the reduction of presidential and legislative terms of office from six to four years, removal of the residency requirement for presidential candidates, extension of the retirement age for supreme court judges, change of election dates from October to November, given the fact that October is the peak of the rainy season, and a change of the electoral system for legislative elections to replace the absolute majority requirement with a simple majority requirement given the costs of conducting run-off legislative elections. These proposals were debated and on 17 August 2010 a joint resolution of both Houses of Parliament was issued approving the four proposals for amendment to be voted on in a national referendum. The four proposals for the referendum were:

- Article 52(c) on the residency clause requires presidential and vice-presidential candidates to have resided in Liberia for 10 years prior to the election. The proposed amendment was to reduce the residency period from 10 years to five years.
- Article 72(b) on the retirement age of supreme court judges requires that the chief justice and the associate justices of the supreme court and judges of subordinate courts of record should be retired at the age of 70. The proposed amendment was to increase the retirement age to 75.
- Article 83(a) on the dates of elections requires that elections be held on the second Tuesday in October each election year. The proposed amendment was to change the date to the second Tuesday in November each election year.
- Article 83(b) on the electoral system for legislative elections requires that presidential and legislative elections should be determined by a two-round voting system to ensure that an absolute majority

for the winner is achieved. The proposed amendment was to replace this system with a simple majority system for legislative elections.

It is important to mention here that critics argued that the proposal for amending the 10-year residency clause was done in favour of the incumbent, who had not been resident in Liberia for 10 years as required and would therefore not qualify to run in the elections.

With the selection of proposals for amendment completed, the NEC was therefore faced with a task of conducting three elections²⁰ within the same year and over a period of three months. The NEC released an election timetable to guide the 2011 electoral process (see Appendix 9 for a timetable of elections). The timetable for the elections raised some controversies as some opposition parties were of the opinion that the referendum should come after the elections. The NEC however justified its position on holding the referendum before the elections by arguing that if the proposal on changing the electoral system for legislative elections were passed, it would save the cost of conducting run-off legislative elections. With the controversies around the timetable set aside, the NEC commenced its preparations for the referendum and elections.

2

Constitutional and Legal Framework



- 2.1 The 1986 Constitution
- 2.2 Electoral legislation and guidelines
- 2.3 The National Elections Commission
- 2.4 The electoral system
- 2.5 Summary of observations on the legal framework for elections in Liberia

The conduct of the 2011 referendum and elections was guided by the 1986 Constitution of Liberia, which was adopted in 1983.

The constitution establishes Liberia as a free sovereign and independent state. It recognises the establishment of free governments with all power inherent in the people. The constitution guarantees fundamental rights and freedom to all citizens. Specifically, it provides for equal protection of the law to all citizens. It guarantees the freedom of movement, religion, thought, association, expression and information. The constitution guarantees the following rights: right to privacy, the right to peaceful association, the right to equal opportunity for employment, right to own property, right to fair hearing and due process of the law and the right to life.

2.1 THE 1986 CONSTITUTION

The 1986 constitution establishes Liberia as a unitary state with a republican form of government. It has a republican system of government with three branches – executive, legislative and judiciary. The constitution guarantees the independence of these branches of government by providing for the separation of powers.

2.1.1 The executive

The structure and exercise of executive power is stipulated in chapter VI of the constitution. Executive power is exercised by the president, who is also

the head of state, head of government and commander-in-chief of the armed forces. The president is elected for a tenure of six years with a maximum limit of two terms.

The president is assisted by the vice-president, who is elected on the same ticket as the president and also serves as the president of the Senate. The constitution provides for the president of the Senate to preside over the deliberations of the Senate without voting rights except in case of a tie vote.

As provided in article 52 of the constitution, candidates for election to the offices of president and vice-president must be: natural-born Liberian citizens, older than 35 years; own real property worth more than \$25,000; and have been resident in Liberia for ten years prior to the elections.

2.1.2 The legislature

Legislative power is vested in a bi-cameral legislature that consists of the Senate and the House of Representatives. Enactment of legislation must be passed by both houses and approved by the president. Both houses have the power to veto executive decisions on legislation passed by them.

The Senate is composed of 30 senators, with two senators elected by each county in the republic. Senators are elected for a term of nine years, after which they are eligible for re-election. Members of the senate are divided into two categories by virtue of the number of votes received. Senators with the highest number of votes per county are categorised as 'category 1' senators who serve a straight term of nine years. Senators with lower number of votes in the county are categorised as 'category 2' senators who serve an initial term of six years after the first elections prior to the coming into force of the 1986 elections. All senators were elected for a term of nine years in subsequent elections. For the October 11 legislative elections, each county elected one senator – a category 2 senator – while category 1 senators served the sixth year of their nine-year tenure. This system of senatorial election is prescribed to provide institutional continuity in the senate.

While the vice-president doubles as the president of the Senate, the Senate is also empowered to elect a president pro-tempore who presides in the Senate

president's absence. Other officers of the Senate are elected by members of the Senate and can be removed in line with procedures stipulated in the constitution.

The House of Representatives prior to the 2011 elections was composed of 64 members elected from single-member districts, towards the 2011 elections nine additional districts were established, bringing the number of House members to 73. Members of the House are elected for a term of six years and are eligible for re-election.

To qualify for elections to the Senate, candidates are required to be older than 30 years, must have resided in the constituency to be represented for a year prior to the elections and must show proof of tax payment. In the case of candidates for membership of the House of Representatives, they are required to be older than 25 years, resident for a year in the proposed constituency and must show proof of tax payment.

2.1.3 The judiciary

The supreme court of Liberia hold judicial powers; it is composed of the chief justice and four associate judges. Judges are appointed by the president with the consent of the Senate. The constitution stipulates the procedures for removal of judges through an impeachment process. Judges can be removed from office on the basis of misconduct, inability to perform functions of office, conviction for treason, bribery or other infamous crimes. The constitution guarantees the independence of the judiciary and judges by granting them immunity against arrest or prosecution for their judgments or expression of their opinion. With regard to elections, the supreme court holds final authority in the determination of electoral disputes.

The age of retirement of judges as provided in article 72 (b) of the constitution was one of the proposed amendments in the 2011 referendum.

2.1.4 Constitutional provisions on the conduct of election and amendment of the constitution

The principle of freely contested democratic elections is enshrined in the Liberian constitution, which prohibits the enactment of any law that could lead to the creation of a one-party state. It makes general provisions that provide the fundamental legal framework for the conduct of elections and

special elections (referenda). Specifically, it provides for the establishment of the National Elections Commission (NEC), it also provides general guidelines for the registration, funding and operations of political parties and delimitation of electoral constituencies. It also stipulates the day for the conduct of elections and the procedures for election petitions.

Article 83 of the constitution mandates the NEC to conduct elections on the second Tuesday of October of each election year. It also mandates the Commission to declare the results of elections not later 15 days after the conduct of the elections. Should a winner not emerge from the first round of the elections, the constitution mandates the Commission to conduct run-off elections to be contested by the two candidates with the highest number of votes from the first round on the second Tuesday following the announcement of the election results.

Procedures for the amendment of the constitution are provided in chapter XII. The process for the conduct of national referendum is however not clearly stipulated in the constitution, but is addressed in the EL and the Guidelines for Referendum.

A proposal for the amendment of the constitution requires the ratification of two-thirds of registered voters in a referendum. Amendments to the constitution could be proposed either by a two-thirds majority of both legislative houses or in a petition submitted to the legislature by not less than 10,000 citizens, such petition must receive concurrence of two-thirds membership of both houses.

It is important to mention that the requirement for two-thirds of registered voters to support a proposed amendment in a referendum as stipulated in article 91 of the constitution is ambiguous. It is unclear whether this requirement refers to two-thirds of the total number of registered voters in the country or two-thirds of registered voters who turn up to vote in the referendum. The ambiguity of this article was the subject of the legal challenges that followed the 2011 referendum. The supreme court judgment of 20 September 2011, which gave an interpretation of this article, will be discussed in the final chapter of the referendum report.

2.2 ELECTORAL LEGISLATION AND GUIDELINES

2.2.1 The New Elections Law

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

The EL contains 11 chapters regulating all phases of the electoral process. The first chapter provides for the organisation and administration of the NEC. It provides clear details on the appointment and powers of the commission, and on the appointment of its staff and election personnel. On the registration of voters, the law defines eligibility of persons to register, procedures for registration of voters, compilation of the registration roll and procedures for claims and objection from the registration process. On the conduct of elections, the law stipulates procedures for nomination of candidates, election day procedures, including the duties of election personnel and party representatives; it also stipulates procedures for the determination of questioned ballots and results tally process. On voting, it defines eligibility of persons to vote and procedures for assistance to voters requiring assistance. The law also makes provisions for procedures for contested elections and determination of election petitions. The law includes provisions regulating the campaign finances of parties, and for the merger, consolidation and dissolution of political parties. The tenth chapter of the law defines various election offences and penal measures. The final chapter provides budgetary appropriations for the NEC.

Though recommendations for reform of the legal framework are made in this report, it is important to note that the current EL provides the general guidelines that create the required legal framework for the conduct of democratic elections in Liberia.

2.2.2 Guidelines and regulations

While the constitution and the Elections Law provide the fundamental legal framework for elections and referenda (special elections) in Liberia, the NEC is also empowered to issue and enforce regulations and guidelines that are consistent with the legal framework as contained in the constitution and Elections Law.

For the conduct of the 2011 referendum and general elections, the NEC issued the following regulations and guidelines:

- **Voter Registration Regulations (as amended in February 28, 2011):**

This regulation was approved in August 2010 and amended on February 28, 2011. It prescribes the dates for the voter registration exercise, it gives further details on eligibility of persons for registration, and it enumerates the powers of registration officials and the procedures for rejection and appeal of rejection of registration. It stipulates the content of the registration roll, the dates for display of the provisional registration roll and the procedures for claims and objections arising from the display process.

- **Guidelines on determination of objections (February 25, 2011)**

The voter registration regulations provide guidelines for the registration process: they provide further details for the regulation of the process of claims and objections arising from the registration process, they stipulate the eligibility of persons to make objections, and they state the process for hearing objections in which objectors have to appear before election magistrates. They also provide for the determination of objections and the process of appeal which allows for persons to appeal the magistrate's decision before the Board of Commissioners, and the decision of the Board before the Supreme Court.

- **Guidelines relating to the registration of political parties and independent candidates (as amended 30 March 2011)**

This document was approved in June 2010 and amended in March 2011. The issuing of these guidelines is in line with the provisions of chapter VII of the constitution, which gives broad directives on the registration of parties. Their issuance was also necessitated by the fact that the provisions of the constitution that were suspended prior to the 2005 elections were restored in January 2006, and these provisions were not addressed in the 2004 electoral reform process.

The guidelines comprise six chapters that address the following broad themes: general provisions; organising a political party; registration of proposed political parties; obligations of registered and accredited political parties; independent candidates; and miscellaneous provisions.

- **Guidelines on the establishment of electoral districts in Liberia (April 18, 2011)**

These guidelines were issued following the joint resolution of the legislature that prescribed the creation of nine additional electoral districts for the 2011 legislative elections, thus bringing the number of districts to 73.

The guidelines comprise four parts. The first part provides general definition of terms. The second explains the context for the establishment of new districts. The allocation of seats for each county is covered in the third part. The criteria for delimitation of constituencies are set out in the fourth part.

- **Referendum regulations (February 28, 2011)**

These regulations were promulgated following the joint resolution of both houses of the legislature proposing an amendment to four articles of the constitution. The regulations establish the rules and procedures for the conduct of the August 23, 2011 national referendum.

The regulations address the following broad themes: general provisions, eligibility of voters; referendum commission; campaigning; persons allowed in the polling places; ballot paper; referendum polling procedures; counting and tabulation of results; complaints and appeals; code of conduct and referendum offences.

- **Campaign finance regulations for political parties and candidates (June 16, 2011)**

These regulations are supplementary to the provisions of the elections law on party and campaign finance. The regulations comprise four parts. General provisions are set out in the first part of the regulations. Specifically, this part provides definition of terms; it mandates all parties and presidential candidates to establish the office of a campaign treasurer and a designated bank account for campaign funds; and it prohibits the use of campaign funds for personal expenses. Provisions regulating the procedures for accounting for contributions and expenses are set out in the second part of the regulations. Specifically, this part stipulates the restrictions on sources and amounts of election expenses; it also stipulates bookkeeping procedures and reporting requirements for parties and

candidates. The third part provides for post-election audit of campaign accounts, specifically the establishment of an audit committee by the NEC. The final part provides penalties for campaign finance infractions.

- **Regulations on challenges and complaints arising before and during elections (July 12, 2011)**

The complaints regulation regulates challenges to candidates and complaints of offences against the elections law or violations of any guideline or code of conduct set out by the NEC during the 2011 elections. The guideline is supplementary to the provisions of the constitution and the elections law on contested elections.

It comprises 11 articles, which address the following issues: eligibility to complain; procedures for challenging the NEC's decision on a candidate's nomination; complaints about electoral offences; procedures for investigation and hearing complaints; and sanctions.

- **Regulation on polling and counting (August 1, 2011)**

This regulation is supplementary to the provisions of the elections law on polling and counting. It addresses the following issues that are not directly addressed in the elections law: voters with names missing on the registration roll; assistance to illiterate voters; possibility of extending voting time; obligations of NEC to observers and party representatives; the use of the polling place journal; persons allowed within the polling place; voting procedures; and counting procedures.

2.3 THE NATIONAL ELECTIONS COMMISSION

The National Elections Commission (NEC) is established as an autonomous public commission by Article 89 of the constitution. Its organisation and administration are provided in the second part of the elections law.

The NEC is composed of seven members – the chairperson, the co-chairperson and five commissioners. All members of the Commission are nominated by the president and appointed with the consent of the Senate. They are appointed for a tenure of seven years. Members of the Commission can be removed based on proof of misconduct. Persons appointed to the Commission are Liberian citizens not less than 35 years, who have no political affiliations.

The administrative division of the NEC is headed by an executive director (ED) who is appointed in the same manner as members of the Commission. However, unlike members of the Commission, the ED has an unspecified tenure because s/he serves at the pleasure of the president.

The responsibilities of the NEC are: administration and enforcement of all laws related to conduct of elections; conduct all elections and referenda; formulation guidelines and codes of conduct relating to the conduct of elections manage the operations of the Commission; registration and regulation of the operations of political parties; maintenance of the register of voters; determination of election petitions; and delimitation of constituencies.

The NEC is funded directly by the National Revenue of Liberia. This guarantees the Commission's financial autonomy.

2.4 THE ELECTORAL SYSTEM

All elections in Liberia are determined by the first-past-the-post system using secret balloting with universal adult suffrage. For elections to the offices of president and vice-president, the two-round plurality system is adopted, where the winner of the elections must obtain above 50% of the votes cast. In the event that a winner does not emerge, a run-off election is contested by the two candidates with the highest number of votes from the first round.

Prior to the 2011 referendum, elections into both houses of the legislature were determined by an absolute majority. The amendment of article 83 (b) of the constitution has substituted the requirement of an absolute majority for legislative election to be determined by a simple majority. Thus, in the 2011 elections, legislative elections were determined by a simple majority.

For senatorial seats a two-member plurality system is adopted in which each county is taken as a single constituency to elect two members. For membership of the House of Representatives, the single-member plurality system is adopted in which counties are delimited into electoral districts on the basis of population size and each district elects one member of the House. Electoral constituencies are delineated to ensure fairness in the distribution of the population; the law however requires that each constituency should

be within the boundaries of a county.²¹ For the 2005 elections, there were 64 electoral districts and for the 2011 elections, there were 73 electoral districts.

2.5 SUMMARY OF OBSERVATIONS ON THE LEGAL FRAMEWORK FOR ELECTIONS IN LIBERIA

- ❑ The legal framework for the conduct of elections and referenda in Liberia as laid out in the constitution and elections law guarantees the fundamental rights of citizens to freely choose their leaders in democratic elections. It also provides an appropriate framework for resolution of disputes arising from the electoral process. It provides for the operations of political parties and recognises the rights of independent candidates to contest presidential and legislative elections.
- ❑ The mission notes that the 10-year residency requirement for presidential candidates constitutes undue restrictions for candidates that could be otherwise qualified to contest in an election.
- ❑ Although it considers the choice of an electoral system the prerogative of each country, the mission also notes that in countries where cultural, economic and political factors contribute to male-dominated politics, the first-past-the-post electoral system has been known for producing underrepresentation of women in legislatures. Such is the case of Liberia, where women represent only 12.5% of the members of the House of Representatives and 16.7% of the Senate.
- ❑ It is observed that certain provisions of the elections law are contradictory to constitutional provisions on the same subjects. For instance, the definition of a political party as stated in the elections law differs from its definition as stated in the constitution and the Guidelines Relating to the Registration of Political Parties and Independent Candidates. While the former defines a party in terms of membership in six counties, the later defines it in terms of membership in 12 counties.
- ❑ While the provisions on absentee voting were deleted from sections 5.2 and 5.5 of the elections law in 2004 amendment, it is retained in article 80 (c) of the constitution, which provides for citizens to vote either in person or in the form of an 'absentee ballot'. This creates an inconsistency in the legal framework.

- ❑ While the elections law provides for preference to be given to persons with disabilities at polling places, it does not extend such preferred treatment to pregnant women and nursing mothers. This group of persons should also be given preference within polling places to encourage full participation of women in the electoral process.
- ❑ There is no provision for state funding of political parties and independent candidates, and this leaves the possibility of exclusion of some parties and individuals on the basis of weak economic status when the financial obligations of political parties and independent candidates are considered.
- ❑ The provisions in the code of conduct for the payment of non-refundable fees by candidates for political parties may create an obstruction to prospective candidates who are qualified but who may not be in a position to raise such funds, especially women.
- ❑ While the elections law clearly prohibits the appointment of two members of the NEC from the same county to ensure fair representation of society, it is silent on requirements for the representation of women in the Commission. This could in future work either in favour or otherwise of women's representation in the Commission.
- ❑ The appointment of the executive director by the president to serve at his/her pleasure could bring into question the independence of the NEC. Considering the fact that the ED is the head of administration at the Commission, such a position should be retained for technocrats who would serve in the Commission beyond the tenure of the Commission and beyond the tenure of the president.
- ❑ The dismissal of members of the Commission on the basis of proof of misconduct is not an explicit provision that could be subject to varied applications and interpretations.
- ❑ The Electoral Act defers to regulations and codes of conduct for the details of a number of important regulatory issues that should require enforcement, namely the use of public resources and the media, among other things. This creates ambiguity in the interpretation and application of the law.

3

The Pre-Election Phase



- 3.1 Delimitation of electoral districts
- 3.2 Voter registration
- 3.3 Civic and voter education
- 3.4 Political campaigns for the 2011 referendum
- 3.5 Media coverage of the referendum

3.1 DELIMITATION OF ELECTORAL DISTRICTS

The National Elections Commission (NEC) is responsible for the establishment of electoral districts in Liberia. This entails the amalgamation of towns or wards to form electoral districts. Electoral districts are established to ensure as fair a representation as possible of the population in the legislature through the allocation of seats on the basis of population quota.²² While the 2005 elections were conducted with electoral districts that were delineated by the amalgamation of registration centres based on voter registration figures, for the 2011 elections electoral districts were delineated with due consideration of geographic boundaries. It is also important to note that the delineation in 2010 was done using voter registration figures as opposed to figures from the 2008 census exercise.

On July 22, 2010 the legislature issued a joint resolution directing the establishment of nine additional electoral districts.²³ In line with this resolution, the NEC undertook a delimitation exercise using the 'special electoral threshold' stipulated in the resolution. Information available on the Commission's website shows that it drew a provisional list of new districts and conducted nationwide public consultations with relevant stakeholders before the release of the final list of electoral districts for the 2011 elections. With the establishment of nine new electoral districts, the total number of districts for the 2011 elections came to 73. The final list of electoral districts was published on 25 June 2011.

Table 7: County threshold for the establishment of electoral districts and allocation of seats

County	Registered voters	No. of seats	County threshold
Bomi	47,788	3	15,929
Bong	171,589	7	24,513
Gbarpolu	37,817	3	12,606
Grand Bassa	123,868	5	24,774
Grand Cape Mount	56,467	3	18,822
Grand Gedeh	49,680	3	16,560
Grand Kru	28,393	2	14,197
Lofa	156,888	5	31,378
Margibi	121,813	5	24,363
Maryland	47,897	3	15,966
Montserrado	630,159	17	37,068
Nimba	230,099	9	25,567
River Cess	28,562	2	14,281
River Gee	29,400	3	9,800
Sinoe	37,639	3	12,613
Total	1,798,259	73	

Source: Compiled Guidelines and Regulations on the 2011 Electoral Process p. 59

The information provided in the table above reflects a level of imbalance in representation of the counties across the country. Grand Kru, which has the lowest voter population, has a threshold of 14,197 voters electing one representative; while River Gee with a voter population difference of just 1,007 has a threshold of 9,800 voters electing one representative. It is also important to mention that there is still a considerable level of imbalance in the value of the votes considering the wide margin of difference (27,268 voters) between the counties with the highest and lowest thresholds (Monsterrado and River Gee).

3.2 VOTER REGISTRATION

The legal framework provides for all Liberian citizens of 18 years and older who are not judicially declared to be incompetent or of unsound mind or convicted of an infamous crime to be eligible to register. The law also provides procedures for public display of the register for claims and objections and it provides details for challenging the decision of registration officers and resolving disputes emanating from the voter registration process.

In accordance with chapter 3 of the New Elections Law of 1986 and the 2011 Voter Registration Regulations, NEC conducted a registration exercise for eligible Liberians from the period beginning 10 January through 12 February 2011. Though the registration exercise was initially scheduled to end on 6 February, the commission took the initiative to extend the exercise to 12 February to enable as many potential registrants participate in the exercise.

Though the EISA Technical Assessment Team was not on ground in Liberia during the registration exercise, it received information about the process from its consultations with stakeholders, at the briefing of international observers organised by NEC and media and observer group reports.

The Optical Mark Recognition forms were adopted for the purpose of data collection during the 2011 registration exercise. The NEC recruited and deployed personnel to the field to obtain data from designated registration centres. The use of registration kits that included digital cameras enabled registration personnel to capture the following details of registrants: name, age, gender, and photograph. Completed OMR forms were transported to the data collection centre at the Commission's headquarters in Monrovia, where they were sorted and sent to a processing room to be scanned and stored in an electronic database. Thereafter, registration data was electronically verified to identify cases of multiple registration and other irregularities. The inclusion of digital photographs enabled the Commission to adopt the use of facial recognition software in the identification of multiple registrants.

At the end of the registration exercise, the Commission announced provisional results. From 7 to 11 April 2011 the Provisional Registration Roll (PRR) was displayed publicly for claims and objections. The Commission received complaints from some political parties and objections from some regions about the inclusion of non-Liberians and under-aged Liberians on the list. Some stakeholders also raised concerns about the disparities in the voter registration statistics and census statistics. It was argued that over 1.7 million Liberians are over the age of 18 as provided in the census statics, and thus voter registration statistics of over 1.7 million voters would indicate a 100% turnout. These stakeholders therefore doubted the possibility of a 100% turnout for the registration.

A seven-member fact-finding committee to investigate the allegations, and the report of the committee indicated that some under-aged voters were included on the list. The Commission therefore compiled a list of person accused of under-aged registration which was forwarded to the Ministry of Justice for further investigation. Persons included on this list were required to produce documented proof of their eligibility to vote. The Commission in August 2011 issued a resolution stating its powers to remove the names of persons found guilty from the final voters' roll.

The final voters' roll released prior to the referendum included a total of 1,798,259 voters. A total of 878,482 female voters were registered and a total of 920,448 male voters were registered.

3.3 CIVIC AND VOTER EDUCATION



A voter education billboard

The NEC is empowered to issue guidelines controlling the conduct of election in Liberia. In line with these powers, the Commission issued guidelines regulating the involvement of NGOs in civic education for elections in Liberia in November 2010.

The guidelines provide details for NGOs operating in Liberia to apply to the Commission for accreditation for the conduct of civic education. The



A voter education poster on the 2011 referendum



Another civic education poster on the 2011 referendum

guidelines provide freedom of movement for accredited groups. They also permit the accredited groups to interact in a non-partisan way with all parties and stakeholders, and grant them access to information transmitted by the NEC. The guidelines oblige accredited groups to respect the legal framework, provide identification at all times, and refrain from issuing press statements and interfering in the electoral process. In compliance with these guidelines, the NEC accredited CSOs to carry out civic/voter education on the referendum.

Information gathered during the EISA team's consultation with NGOs indicated the fact that CSOs were involved in voter education towards the referendum. Specifically, the Talking Drum Studio²⁴ informed the EISA team of the efforts of the Election Coordinating Committee (ECC)²⁵ to enlighten Liberians on the four propositions for the referendum and encourage them to exercise their franchise in a peaceful manner. Women's groups such as the West African Network for Peacebuilding (WANEP) and the Women NGO Secretariat of Liberia (WONGOSOL) and other community-based organisations were also involved in the dissemination of gender-sensitive messages on the process as well.

While the coverage of national media houses is not widespread in Liberia, there are over 40 community radios that cover the rural areas of Liberia. Stakeholders consulted also mentioned the effective use of community radios for the dissemination of civic and voter education messages on the referendum. However, stakeholders indicated that there was a low level of awareness about the referendum, and they were of the opinion that Liberians were not properly educated about the four propositions to be voted on in the referendum.

The NEC with support from its technical partners (UNDP and IFES) disseminated voter education messages across the country. These messages were delivered in English and Liberian English.

3.4 POLITICAL CAMPAIGNS FOR THE 2011 REFERENDUM

Campaigns for the amendment of certain provisions of the 1986 constitution through a referendum on 23 August 2011 started on 1 May and were expected to end 24 hours before the day of the referendum. The campaign was open

to any political parties and civil society organisations duly registered with the NEC as supporting or opposing a referendum question within the campaign period. This campaign period served as a platform to educate the public about the proposed amendment to the constitution and how to vote during the referendum and also encourage citizens to exercise their franchise. In this context, the NEC played a key coordination role with civil society organisations, political parties and other groups interested to campaign for or against any of the four referendum proposals. CSOs were involved in the campaigns as neutral agencies focused on encouraging citizens to exercise their franchise, while political parties engaged in the campaigns on the basis of their political positions on the propositions.

The EISA Technical Team gathered from its consultation with political parties and NGOs that the four propositions outlined to be voted on in the referendum were greeted with mixed reactions from political parties as well as ordinary Liberians. The EISA team held meetings with officials of the Unity Party (UP), the Congress for Democratic Change (CDC) and the Movement for Progressive Change (MPC), who articulated the positions of their parties on the referendum.

The ruling party, the UP, was engaged in massive campaigns encouraging Liberians to vote 'yes' to all the propositions for the benefit of the country. The MPC's position on the referendum was that it was an unconstitutional process and in violation of article 91 of the Liberian constitution, which provides that constitutional referenda should be conducted by NEC not sooner than one year after the National Assembly's resolution on the amendment of the constitution. The MPC filed a legal suit against the NEC challenging the constitutionality of the referendum: it argued that since the gazette on the amendment of the constitution was published in November 2010, the NEC ought not to conduct the referendum until after a year. The party therefore approached the courts for an interpretation of article 91 of the constitution. Its campaign message was that voters should vote 'No' to all four propositions should they turn out to vote during the referendum. The CDC, which is the main opposition party, called for a boycott of the referendum. Its call for a boycott was based on the fact that the party would prefer a holistic amendment of the constitution as opposed to a piece-meal amendment of four articles of the constitution.

While the campaigns were generally peaceful, there were isolated reports of acts of violence against political actors. Specifically, there were reports of mob attacks on CDC chairperson Senator Geraldine Sherif-Doe and other party executives and an arson attack on Unity Party's deputy campaign manager, Mr Eugene Nagbe, on Wednesday 17 August 2011.

3.5 MEDIA COVERAGE OF THE REFERENDUM

A free press is an essential element of freedom of democratic governance. During the 14-year civil war that ended in 2003, Liberia's infrastructure, including the media, was damaged, journalists were harassed, jailed and killed, and news outlets were used to promote the causes of warlords. Since the restoration of democratic rule, Liberian press has enjoyed greater freedom. Stakeholders consulted indicated that the media landscape in Liberia is yet to be properly professionalised and the absence of media houses with national coverage was also a challenge to the media's effective coverage of the referendum. However, the existence of over 40 community radio stations provided a means of reaching the rural population. The media landscape in Liberia was also commercial focused; therefore coverage of referendum issues was not given top priority.

There are approximately 20 newspapers published in Liberia and most of them are in English. A number of privately owned radio stations exist, including the UNMIL Radio, which commenced broadcasting in 2003 with eight transmitter sites and 24-hour broadcasts. UNMIL Radio offers 48 programmes, including one on electoral politics. The only television station in Liberia is state-owned, and it provides half-day broadcasts daily. Its coverage is mainly in Monrovia and its suburbs; thus the use of TV for campaigns has very limited coverage of the population.

Stakeholders consulted by the EISA team affirmed that the media coverage of the referendum was open and fair.

4

Referendum Phase



- 4.1 Opening the poll
- 4.2 The ballot and election materials
- 4.3 Polling staff
- 4.4 Security agents, political party representatives and independent observers
- 4.5 Voting precincts and polling places
- 4.6 The voters' roll
- 4.7 Voting process
- 4.8 Closing the poll
- 4.9 Counting

Articles 91 and 92 of the 1986 constitution of Liberia mandate the NEC to conduct a referendum not sooner than a year after a legislative resolution on proposed constitutional amendments that receive the support of two-thirds membership of both Houses of the legislature. In line with these articles, the National Assembly issued a joint resolution consisting of proposals for amendments of articles 52(c), 72(b), 83(a) and 83(b) on 17 August 2010, and the resolution received presidential approval on 17 September 2010. Following these legislative actions, NEC issued guidelines for the conduct of the 23 August 2011 national referendum. Following the registration of voters, the NEC established 1,780 voting precincts with 4,457 polling places across the country. Voters were allocated to the registration centres where they registered during the voter registration exercise, these registration centres were designated as voting precincts during the referendum. A maximum of 500 voters were allocated per polling place.

On 23 August 2011, Liberians turned up to vote in a national referendum on four propositions, namely:

- Article 52(c): to reduce the residency requirement for presidential candidates from 10 years to 5 years

- Article 72(b): to extend the retirement age of supreme court judges from 70 years to 75 years
- Article 83(a): to change the current provision on the dates of elections from the second Tuesday in October to the second Tuesday in November
- Article 83(b): to change the electoral system for legislative elections from an absolute majority to a simple majority.

4.1 OPENING THE POLL

The Referendum Guidelines stipulate that voting places should open at 08:00hrs. Prior to the opening of the poll, the polling officials are required to set up the polling place in a manner that provides for circular movement of voters. The Referendum Polling and Counting Staff Manual further provides that polling officials should set up the polling place either on the eve of referendum day or before 08:00hrs on referendum day. Before declaring the poll open, the presiding officer is required to show all observers and party agents that the ballot box is empty before it is sealed and the seal numbers recorded in the polling place journal.

At the polling places visited by the EISA team on referendum day, it was observed that the required steps for opening the poll were complied with. The presiding officers took time to explain the procedures to observers and



Polling staff preparing for the opening of the poll

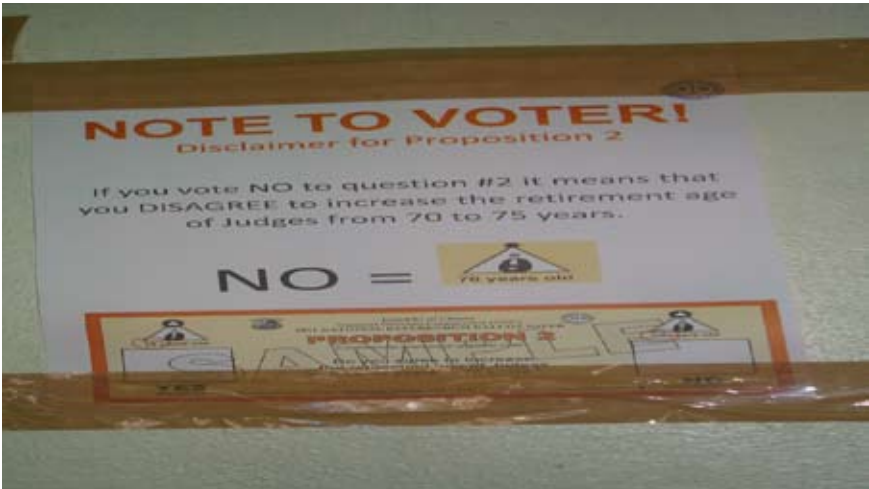
party agents before opening the poll. The team also observed that the polling places had all election materials and in adequate quantity at the opening of the poll. Although the presiding officers in the three polling places visited by the team announced the opening of the poll at exactly 08:00hrs, the first voter was not attended to until after 15 to 20 minutes, as the officials did not settle into the process in good time.

4.2 THE BALLOT AND ELECTION MATERIALS

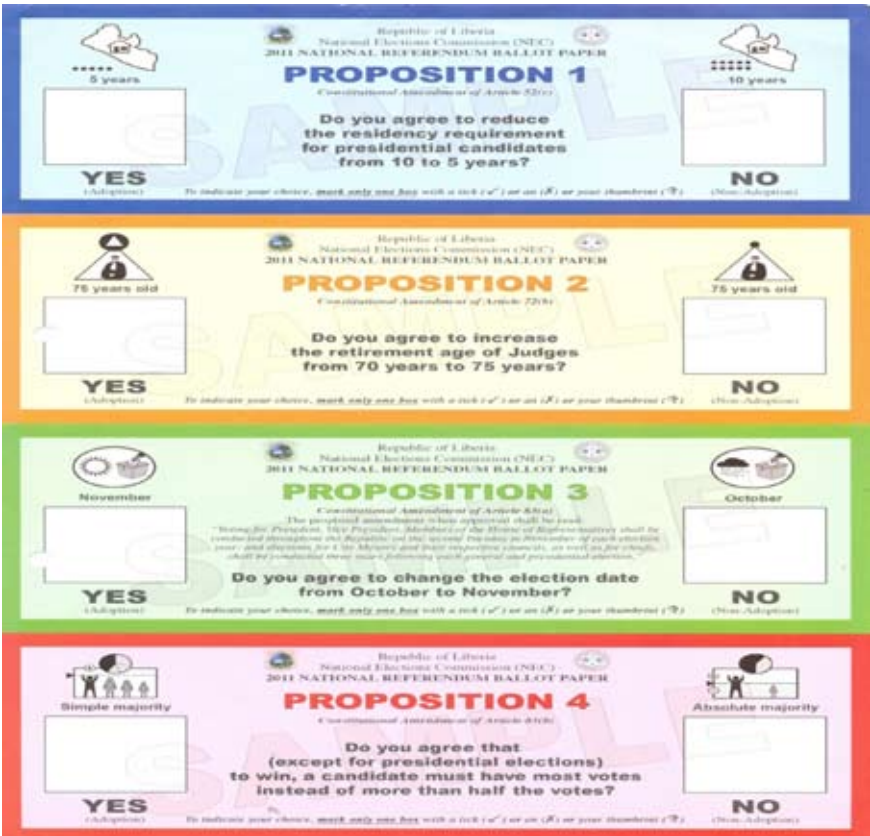
The NEC is responsible for the design of the ballot to enable citizens to cast a 'yes' or 'no' vote on the four propositions in the referendum. The ballot contained four questions related to the four propositions with a provision for voters to vote 'yes' on the right side of the paper and a provision to vote 'no' on the left side. The ballot was designed with dotted lines beneath each question to enable polling officials sort the ballot for each question separately. The provision of a single ballot with the four propositions made the voting process user-friendly, as voters did not have to be issued with four separate ballots.

There was an error noticed on the ballot after it was delivered to the Commission, but the error was not considered to not have an impact on the outcome of the referendum. The error was on the responses provided for proposition 2, regarding the retirement age of Supreme Court judges. Unlike the other questions on the ballot that had the proposed amendment listed on the left side of the ballot and the current constitutional provisions listed on the right side, this question had the proposed amendment (75 years) listed on both sides. To address the error, the Commission issued a disclaimer that was posted at each polling station informing voters of the error. The error on the ballot paper raised concerns among stakeholders about its impact on the outcome of the referendum.

Some stakeholders also raised concerns about the design of the ballot, which they argued was designed in a confusing manner that could mislead voters to vote 'yes' on all the propositions. This argument was based on the fact that a symbol for the new proposition was placed on the same side as the 'yes' option, while a symbol for the current Constitutional provision was placed on the same side as the 'no' option. It was argued that a vote on either side of the ballot could be translated as a 'yes' for all the questions



Disclaimer issued by NEC to address the error on proposition 2



Referendum ballot

when read by an ordinary voter. For example, question 1: Do you agree to reduce the residency requirement for presidential candidates from 10 to 5 years? Above the 'Yes' option was a symbol indicating 5 years and above the 'No' option was a symbol indicating 10 years – a vote on either options could invariably mean a vote for the proposed 5 years, because a 'yes' would mean yes to 5 years and a 'no' would mean 'no' to 10 years, thus making a yes vote invariable. These stakeholders would prefer that the ballot paper be designed with two boxes in front of each question to enable voters to make their choices without confusion.

These concerns were raised before the NEC but the position of the NEC was that the inclusion of symbols on the ballot would enable voters who are unable to read the questions to understand what the questions represent. Furthermore, the Referendum Guidelines provide that unlettered or disabled voters can request the assistance of a helper (a friend or relative who is also a registered voter) to mark their ballot.

Each polling place was supplied with the following materials that are listed in the referendum Polling and Counting Staff Manual as sensitive election materials that must be handled with care because damage or mishandling of these materials could affect the outcome of the process: referendum ballot papers, Final Registration Roll (FRR), official ballot stamp, record of the count forms and indelible ink.

The EISA team observed that all the polling places it visited were supplied with the following sensitive materials that were supplied in sufficient quantities: 550 ballot papers, 50 of which were for backup purposes; a copy of the FRR with the names and photos of voters allocated to each polling place; an official stamp of the NEC, without which a ballot would be invalidated; a set of results forms supplied in five colour-coded carbonated copies; and a bottle of indelible ink.

Each polling place was also supplied with other materials that are listed as non-sensitive (essential) materials: a transparent sealable ballot box, a voting screen or voting booth²⁶ to ensure that the secrecy of the ballot is respected, five tamper-evident envelopes (TEEs) used to package the ballot after the poll and other forms of stationery such as a paper punch, calculator etc.



Polling booths at a polling place in Monrovia



Voting screen at a polling place in Margibi

The EISA team found it remarkable that the NEC provided tactile ballot guides for blind voters who may not wish to be assisted to vote.

4.3 POLLING STAFF

For the 2011 referendum, the NEC recruited 390 supervisors and 23,400 polling staff through an advertised recruitment process. Recruited personnel were trained in a decentralised training programme by the Commission with support from its technical partners.

In compliance with article 7.4 of the Referendum Guidelines all polling places visited by the team were staffed by the following personnel:

- presiding officer, who managed the polling place and other polling staff, and reported to NEC;
- polling place and precinct queue controllers, who ensured that voters queued in an orderly manner and checked to ensure that all persons on the queue were in possession of voters' cards and in the correct queue. In cases where two polling places were within the same area, one queue control was responsible for both polling places;
- voter identification officer, who confirmed the voter's identity by checking the voter's card and verified that the details on voters' cards matched the details on the FRR; s/he punched the voter's card and ticked off the voter on the FRR as having turned up to vote;
- ballot issuer, who issued a stamped ballot paper to voters and explained the voting procedures to them before directing them to the polling booth or screen, as the case may be;
- ballot box controller/inker, who stood by the ballot box and ensured that voters folded their ballot before placing them in the ballot box; s/he also ensured that voters did not leave the polling place with the ballot and that voters dipped their right index finger in indelible ink before casting the ballot.

The team however visited one polling place where a staff member did not turn up for duty, thus leaving the ballot issuer to double as the ballot box controller. The team observed that polling staff conducted the process with

a high level of professionalism. The team also noted the participation of women in the process as polling officials: it observed that all the polling places visited had at least two female polling officials out of five.

4.4 SECURITY AGENTS, POLITICAL PARTY REPRESENTATIVES AND INDEPENDENT OBSERVERS

The Liberia National Police with support from UNMIL were responsible for the security of the referendum process. 400 police officers and 800 immigration officers were deployed to provide security at polling places on referendum day. The EISA team noted that unarmed security officials were present at all polling places; the team also commended the professional and unobtrusive conduct of the security officials, who remained outside the polling places throughout the process. The presence of police and UNMIL patrol vehicles was also observed on major streets.

Article 15 of the Referendum Guidelines authorises the following persons to have access to polling places: accredited observers, accredited media representatives, and party agents. The Guidelines also stipulate the mandate of observers and party agents. Information received during the NEC briefing indicated that 1,200 national observers and 400 international observers were accredited for the referendum and elections. Accredited observers were provided an identification tag that allowed them access to polling places on referendum day.

It was observed that party agents were not present in any of the stations visited by the EISA team. The team however met with other international observers from the US Embassy, the Delegation of the European Union in Liberia, ECOWAS office in Liberia, and IFES. The team also met national observers from the Election Coordinating Committee (ECC), the Liberia Council of Chiefs and the Association of Evangelicals of Liberia. Observers were granted access to polling places without any restrictions. In some cases they were required to provide an ID before allowed entry by some presiding officers.

4.5 VOTING PRECINCTS AND POLLING PLACES

For the referendum, the NEC established 1,780 voting precincts with 4,457 polling places across the country. Voting precincts were located in public

places – mostly schools and town halls – and in some cases they were located in places of worship such as churches. The location of voting precincts was open and easily accessible to the public. Most polling places were located indoors in classrooms or halls, but some were located in open spaces, which exposed polling officials to harsh weather conditions, as was the case at the BWI Campus, Margibi Precinct 24110. Some polling places were also located upstairs in buildings that were not easily accessible to persons with disabilities.

The voting precinct queue controllers worked with security officials to maintain order outside the polling places. Voters were kept in an orderly queue within a reasonable distance from the entrance of the polling places. Officials demarcated the polling places with a red and white tape to keep voters within a reasonable distance. The peaceful and orderly conduct of Liberian voters during the process was commendable: the team did not witness any disorderly incident on referendum day.

The team noted that there were no clear directions to voting precincts from the major streets; however, it was observed that voters were aware of the location of their allocated polling places since they registered at the same locations. Voters were allocated to polling places within voting precincts to ensure that each polling place had a maximum of 500 voters. The door of each



A polling place in Margibi County

polling place was marked to show the voting precinct code and the range of voters' card numbers allocated to the polling station. The team observed a number of cases where voters were unable to locate their polling places in good time, however.

Most polling places were laid out in a manner that allowed for an easy flow of voters and guaranteed the secrecy of the ballot. Each polling place was laid out in a circular manner that allowed one voter to go from one desk to the next without bumping into another. To guarantee the secrecy of the ballot, polling places in Monrovia were equipped with polling booths made from carton while the polling places outside the capital were equipped with a voting screen that was a piece of black fabric tied across a corner of the polling place behind which voters marked the ballot. The team also noted that in most of the polling places there was provision for space for observers and party agents to view the process without obstruction.

4.6 THE VOTERS' ROLL

The 2011 referendum was conducted on the basis of the 2011 voter registration exercise. The EISA team observed that the voter identification officer in all the polling places had a copy of the appropriate Final Registration Roll (FRR) for the polling place. The FRR contained the names and photos of registered



EISA observers outside a polling place

voters. The names of voters were ticked off on the register once the voter identification officer verified their details by matching their cards against the content of the register.

The team observed that there were cases of voters in possession of voters' cards whose names did not appear on the register; in such cases, the presiding officer added their names to the page provided in the annex of the FRR. Voters who turned up at the polling places without their cards were not allowed entry into the polling place.



A voter's details being verified on the FRR

4.7 VOTING PROCESS

Overall, the voting process was conducted in an orderly and peaceful manner throughout referendum day. The team did not witness any incidents of violence or intimidation; neither did the team receive reports of such. The EISA team observed that most voters were able to understand the stipulated voting procedures. The team also noted that some ballot issuers gave a brief explanation of the voting procedures to voters before issuing the ballot; this could also have contributed to voters' understanding of the procedures.

Voters were required to present their voters' cards at the entrance of the voting precinct to the queue controller, who directed them to their appropriate

polling places within the precinct. Voters presented their cards to the polling place queue controllers who confirmed that they were in the correct polling place (or who otherwise redirected them to the correct place) and checked their fingers for indelible ink before allowing them into the polling place. Inside the polling place, voters presented their voters' cards to the voter identification officer, who confirmed their details and punched the left side of the card before directing them to the ballot issuer, who issued the voter with a ballot stamped on the lower right corner of the flip side of the paper. To make their mark on the ballot, voters were given the choice of using a pen to tick the boxes provided or by making a thumbprint. After making their mark on the ballot, voters inked their right index finger and proceeded to place the folded ballot in the ballot box.

The team observed that polling staff and security personnel were allowed to cast their votes before other voters. The team also commends the provision for other persons on election duty such as drivers of observers to cast their vote in the constituencies where they were deployed.

The team observed that there was a low turnout of voters throughout the day. Most polling places visited in the morning had short queues, and by midday, the queues had disappeared in many polling places.²⁷

4.8 CLOSING THE POLL

At 18:00, the gates of the voting precincts were closed to prevent new voters from coming onto the premises. Voters on the queue at 18:00 were attended to before the presiding officer closed the poll to prepare for the counting process.

At the end of the voting process, the presiding officer asked the queue controller and security officers to let unauthorised persons out of the polling place. The polling place was rearranged for the counting process.

4.9 COUNTING

At the end of the voting process, the polling place was re-arranged to give a good view of the counting process to observers and other authorised persons who were present. Before commencing the process, the presiding officer is required to give a brief explanation of how the process will be done.

The referendum polling staff manual stipulates that the counting process should be done in three steps: reconciling the ballots to ensure that there is a match between the number of unused and used ballots; sorting the ballots to separate the ballots for each question and further separate the yes and no votes for each question; and counting the sorted ballots for each question.

At the voting precinct where the EISA team observed the counting, the process of rearranging the polling station and other preparations for counting was done in about 25 minutes. The presiding officers of the different polling places explained the procedures to observers who were present. The reconciliation process commenced at about 18:30, with the presiding officer announcing the numbers on the seals on the ballot box before breaking the seals. The ballots were emptied onto a table, and polling staff unfolded them and checked that each ballot had the official stamp of the Commission. The ballots were stacked in groups of 50 and the total number of used ballots was announced. It is important to mention that the presiding officers did not fully comply with the stipulated reconciliation process, because they did not inform observers of the number of unused ballots; neither did they tally the numbers of used and unused ballots before moving to the next step.

The polling staff proceeded to separate each ballot to sort them out according to the questions. This step took quite some time, as officials had to separate each ballot and set out the ballot for each question on another table where index cards were placed. Thereafter, the ballot for each question was sorted to separate the 'yes' votes from the 'no' votes and the invalid votes. At this point, the polling staff argued among themselves and in some cases tried to consult the observers on what constituted a valid vote. The team observed cases where a voter wrote 'yes' inside the 'no' box and this led to questions about the intention of the voter. After some minutes of arguing it was concluded that the intention of the voter was 'yes'. There were other arguments related to the question of a voter's intention.

After the sorting process, the presiding officers counted the ballot for each question and recorded the results in the referendum record of count form. Although it was required that a party agent of campaign committee member should sign the record of count form, they were mostly absent at the polling places during the counting process. At the end of the counting process the

results were announced and a copy of the record of count form was posted at the polling place.

The counting process took place after sunset, and there was no electric power supply in many places. The team observed that each polling place was supplied with battery-operated lamps to provide light for the counting process.

At the end of the counting process, election personnel packed up sensitive election materials in the TEE as stipulated by law. The presiding officer, escorted by security personnel, transported the material to the district tally centres.



Referendum results posted at polling station

5

The Post-Referendum Phase



5.1 Referendum results

5.2 The 20 September 2011 supreme court judgment

5.1 REFERENDUM RESULTS

The Referendum Guidelines mandate the NEC to declare the final official results of the referendum not later than 15 days after the referendum. The tallying of results was conducted from the district tally centres under the responsibility of the 18 electoral magistrates. Results from the district tally centres were transmitted to the national tally centre in Monrovia.

In line with the provisions of the Referendum Guidelines, on 31 August 2011 the NEC announced the official results of the 23 August referendum (see Table 8 on page 50).

In its interpretation of article 91 of the constitution the Commission set the threshold for the passage of the amendments at 410, 469 votes. This threshold was determined on the basis of two-thirds of the total votes cast, inclusive of the invalid votes. Based on the threshold set by the NEC, none of the propositions went through for amendment.

5.2 THE 20 SEPTEMBER 2011 SUPREME COURT JUDGMENT

Following the announcement of the official results of the referendum by NEC, a legal suit was filed before the supreme court by the chair of the ruling Unity Party, Varney Sherman. He requested the court to nullify article 1.1. of the NEC Resolution on Endorsement of Referendum Results that provides as follows:

‘The Board of Commissioners of the National Elections Commission (NEC) shall declare the ratification of any of the proposed amendment to the constitution if 2/3 of all valid and invalid votes that were cast in the referendum support the adoption of the proposition.’

The legal action was taken on the basis that invalid votes should not be taken into account in the determination of the referendum results.

Table 8: Referendum results – 31 August 2011

Propositions	Yes votes	No votes	Invalid votes	Total votes cast	Outcome
Proposition One: (52c) Do you agree to reduce the residency requirement for presidential candidates from 10 to 5 years?	292, 318	246, 473	76, 912.	615,703	Not passed
Proposition Two(72b) Do you agree to increase the retirement age of judges from 70 to 75 years?	221,163,	322,223	72,317	615,703	Not passed
Propositions	Yes votes	No votes	Invalid votes	Total votes cast	Outcome
Proposition Three: (83a) Do you agree to change election date from October to November?	307,647	234,517	73,539	615,703	Not passed
Proposition Four : (83b) Do you agree that (except for presidential elections) to win, a candidate must have most votes instead of half the votes?	364,901	174,469	76,333	615,703	Not passed
Total registered voters:				1,798,930	
Voter turnout:				34.2%	
Threshold for passage of propositions: (two-thirds of total votes cast)				410,469	

On 20 September 2011 the supreme court issued a judgment to the effect that the NEC's inclusion of invalid votes in the determination of the threshold for the passage of amendments was in contravention of article 91 of the constitution. The court therefore set aside the previous threshold for a new threshold determined by the number of valid votes cast in the referendum. On the basis of the supreme court judgment, the NEC declared the final results of the referendum as follows:

Table 9: Final referendum results after court judgment²⁸

Propositions	Yes votes	No votes	Invalid votes	Total votes cast	Threshold for proposition to pass according to supreme court judgment (two-thirds of valid votes cast)	Outcome
Proposition One: (52c) Do you agree to reduce the residency requirement for presidential candidates from 10 to 5 years?	292,318	246,473	76,912	615,703	359,194	Not passed
Proposition Two (72b) Do you agree to increase the retirement age of judges from 70 to 75 years?	221,163	322,223	72,317	615,703	362,257	Not passed
Proposition Three: (83a) Do you agree to change election date from October to November?	307,647	234,517	73,539	615,703	361,443	Not passed
Proposition Four : (83b) Do you agree that (except for presidential elections) to win, a candidate must win most votes instead of half the votes?	364,901	174,469	76,333	615,703	359,580	Amendment passed
Total registered voters:						1,798,930
Voter turn out:						34.2%

On the basis of the new threshold set by the court, proposition 4 was returned as amended, thus providing for the determination of legislative elections on the basis of simple majority electoral system.

6

Conclusion and Recommendations



On the basis of its observations and information received from stakeholders in Liberia, and based the benchmarks provided in the AU Declaration on the Principles Governing Democratic Elections in Africa, the Declaration of Principles on International Election Observation and Code of Conduct for International Election Observers and the Principles for Election Management, Monitoring and Management (PEMMO), the EISA technical assessment team concludes that the 23 August 2011 referendum in Liberia was conducted in compliance with the legal framework of the Republic of Liberia and accepted international benchmarks. The team commends the efforts of the NEC to ensure that the people of Liberia were able to exercise their franchise freely.

The team makes the following recommendations:

- **Voter education**

While the NEC worked to ensure that technical details of the referendum were implemented effectively, it is important to note that the low turnout of voters and the high numbers of invalid ballot are indicative of the level of awareness that Liberians had prior to the referendum. It is therefore imperative that the Commission and civil society groups should undertake civic education to enlighten Liberians on the relevance of their participation in a referendum. There is also an urgent need for voter education to enlighten

Liberians on the voting procedures before the forthcoming general elections.

- **Party and candidate agents**

The decision of political parties not to monitor the referendum process on the basis that they would rather save their resources to monitor the forthcoming elections was also a pointer to the priority given to the referendum by the parties. Political parties in Liberia should endeavour to monitor all electoral processes, as this will contribute immensely to the credibility of the elections.

- **Training of electoral staff**

The team noted that the process was conducted with a good level of professionalism by election personnel. The team however recommends that election personnel should be further trained to avoid the observed inconsistencies, especially with the counting process.

- **Clarity of legal framework**

The current legal framework for the conduct of referenda leaves room for ambiguity. It is important that article 91 of the constitution be made clear to enable the NEC to issue guidelines appropriately for future elections.

7

The Pre-Election Phase



- 7.1 Political party registration and nomination of candidates
- 7.2 Women's participation
- 7.3 Electoral campaigns
- 7.4 Media coverage of the campaign process
- 7.5 Civic and voter education
- 7.6 Supreme court ruling on the qualifications of presidential candidates

Following the conduct of the referendum in August 2011, the NEC commenced preparations for the presidential, Senate and House of Representatives elections that were scheduled to be held on 11 October 2011. The conduct of the referendum served as a test run for the general elections; it enabled the Commission to learn from the logistical and technical challenges and proactively prepare for the elections.

With the outcome of the referendum, the date of the election was scheduled for 11 October 2011 and the elections into the Senate and House of Representatives were to be determined by simple majority. However, the retention of the 10-year residency requirement in the constitution created uncertainties about the eligibility of presidential candidates.

7.1 POLITICAL PARTY REGISTRATION AND NOMINATION OF CANDIDATES

Article 79 of the constitution and section 8 of the Guidelines Relating to the Registration of Political Parties and Independent Candidates was amended on 30 March 2011 and mandates parties to undertake the following procedures before registration: submit a notification of its intention to canvass for membership to the NEC, the notification must be accompanied by a list of 75 members (5 from each of the 15 counties), articles of incorporation, by-laws of the party, address of party headquarters and declaration that the party membership will be open to all Liberians. Notifications are required

to be submitted at least 180 days before general elections. Following these notifications, parties intending to contest are required to submit an application accompanied by a list of 500 registered voters from at least six counties, proof of establishing a headquarters in Monrovia, their motto and emblem and payment of an application fee. The NEC is mandated to give a response on an application within 30 days.

In April, the Commission certified the Citizens Unification Party (CUP) and the Grassroot Democratic Party,²⁹ and in a press release on 28 June 2011 it announced the successful registration of four new political parties, which had met the required registration procedures provided in the Constitution Guidelines Relating to the Registration of Political Parties and Independent Candidates. On 29 June 2011, it presented certificates of registration to the new parties, namely: the Liberia Empowerment Party (LEP), the Liberian Reconstruction Party (LRP), the Liberia Transformation Party (LTP), the National Social Democratic Party (NSDP) and the Republican Party.

At the end of the party registration process, the total number of political parties that were eligible to participate in the 2011 elections was 28. Below is a list of registered political parties.

Sections 14-21 of the Guidelines Relating to the Registration of Political Parties and Independent Candidates, which were amended on 30 March 2011, stipulate the procedures for nomination of party candidates and participation of independent candidates in an election. Political parties are mandated to hold national conventions at least once every six years to elect national executive committees. Parties are also required to hold national and local conventions for the nomination of candidates into the office of the president and membership of the National Assembly not later than 90 days before elections. It is mandatory that these conventions be publicised and that the NEC should be invited. Parties are required to submit a list of their nominated candidates with an indication of the offices for which they would be contesting not later than 60 days before the elections.

All candidates contesting elections (including independents) are required to submit a letter of intent to the NEC stating their intention to contest and their qualifications to contest for the position.

Table 10: Registered political parties in Liberia for the 2011 elections

Congress for Democratic Change (CDC)
Unity Party (UP)
Union of Liberian Democrats (ULD)
New Deal Movement (NDM)
Liberty Party (LP)
National Democratic Party of Liberia (NDPL)
National Reformation Party(NRP)
Grassroot Democratic Party of Liberia (GDPL)
Movement for Progressive Change (MPC)
True Whig Party (TWP)
National Vision Party of Liberia (NATVIPOL)
Liberia National Union_(LINU)
Original Congress Party of Liberia (OCPOL)
Majority Party of Liberia (MAPOL)
All Liberia Coalition Party (ALCOP)
Progressive People's Party (PPP)
Alliance of Peace and Democracy (APD)
Free Democratic Party (FDP)
Citizens Unification Party (CUP)
National Union for Democratic Progress (NUPD)
National Democratic Coalition (NDC)
Victory for Change Party (VCP)
Freedom Alliance Party of Liberia (FAPL)
Liberia Destiny Party_(LDP)
Progressive Democratic Party (PRODEM)
Liberia Empowerment Party (LEP)
Liberia Transformation Party (LTP)
Liberia Reconstruction Party (LRP)

Source: compiled with information from <http://www.africanelections.org/liberia/parties/> and official website of the NEC <http://www.necliberia.org/parties.php>

Candidates for the offices of president and vice-president (as independents or as party nominees) are required to submit along with the letters of intent a petition signed by at least 500 eligible voters from each of six counties. They are also required to establish offices in Monrovia and in the capitals of the 15 counties six months before the elections. Presidential candidates are also required to maintain a bank account with a balance of at least USD10,000 during the period of their candidacy.

Candidates contesting senatorial seats are required to submit a letter of intent accompanied by a petition signed by no fewer than 500 eligible voters in the county in which they are contesting and a non-refundable processing fee of USD400. They are also required to establish and maintain an office in the capital of the county in which they intend to contest not later than six months before the elections and maintain a bank account with a balance of at least USD7,500 during the period of their candidacy.

Candidates contesting for membership of the House of Representatives are required to submit a letter of intent accompanied by a petition signed by no fewer than 300 eligible voters in the constituency in which they are contesting and a non-refundable processing fee of USD300. They are also required to establish and maintain an office in the constituency in which they intend to contest not later than six months before the elections and maintain a bank account with a balance of at least USD5,000 during the period of their candidacy.

The Guidelines also stipulate the procedures for the verification and determination of candidates by the Commission and give contestants the right to appeal the decision of the NEC in the supreme court.

According to the timetable³⁰ for the 2011 electoral process released by the NEC, the nomination of candidates took place between 16 July and 15 August 2011. The party nomination processes were recorded as largely peaceful, with only isolated reports of incidents of violence at some party conventions. At the end of the nomination and verification processes, 16 candidates were listed for the presidential elections. 925 candidates were listed to contest for legislative positions. Below is a list of presidential candidates that contested the 2011 elections.

Table 11: Nominated presidential candidates for the 2011 elections

Presidential candidate	Vice-presidential candidate	Party
Beyan, Gladys G.Y.	Deshield, Edward Gbortoe	Grassroot Democratic Party of Liberia (GDPL)
Brumskine, Charles Walker	Siakor, Franklin Obed	Liberty Party (LP)
Cheapoo, Sr. Chea Job	Tarway, Jeremiah	Progressive People's Party (PPP)
Chelley, James Kpa	Woah-Tee, Jerry Kollie	Original Congress Party of Liberia (OCPOL)
Freeman, Simeon	Cromah, Jr. Cyrus Inphason	Movement for Progressive Change (MPC)
Guseh, James Sawalla	George, Sr. Lawrence Ashton	Citizens Unification Party (CUP)
Johnson, Prince Yormie	Supuwood, James Laveli	National Union for Democratic Progress (NUDP)
Johnson-Sirleaf, Ellen	Boakai, Joseph Nyuma	Unity Party (UP)
Jones, Marcus Roland	Borbor, Monica Dokie	Victory for Change Party (VCP)
Mason, Jonathan A.	Sando, Jemeon Alphonso	Union of Liberian Democrats ULD)
Mayson, Dew Tuan-Wleh	Wolokolie, Dusty Lawrence	National Democratic Coalition (NDC)
Ndebe, Manjerngie Cecelia	Zubah, Zizi Kolubah	Liberia Reconstruction Party (LRP)
Sandy, Kennedy Gbleyah	Wolloh, Alloycious Dennis	Liberia Transformation Party (LTP)
Tipoteh, Togba-Nah	Marsh, Sr. J. Rudolph	Freedom Alliance Party of Liberia (FAPL)
Tubman, Winston A.	Weah, George Manneh	Congress for Democratic Change (CDC)
Zoe, Hananiah	Flomo, Richard K.	Liberia Empowerment Party (LEP)

Source: official website of the NEC http://www.necliberia.org/admin/pg_img/Final_List_Candidate_President.pdf

7.2 WOMEN'S PARTICIPATION

There has been a good representation of women in governance in Liberia; however, it is important to note that more women involved in governance hold appointed positions than the number of women in elected positions. The Liberian Senate prior to the elections comprised 30 members, with five women accounting for 16.7% of its membership. The House of Representatives prior to the elections had 64 members, with eight women accounting for 12.5% of its membership.³¹

The legal framework for elections in Liberia does not discriminate against the participation of women in elections; neither does it provide a quota for women's participation in elections. It also does not provide a quota for their representation within party national executive committees. The law is silent on gender issues in elections and politics.

At the end of the nomination process, three female candidates³² were listed to contest in the presidential elections, and 10 female candidates were nominated to contest for senatorial seats out a total of 99 candidates, while 105 female candidates were nominated to contest for membership of the House of Representatives out of 739 candidates.³³

With female candidates constituting 11% of the 925 contestants in the parliamentary elections, it was not likely that there would be an improvement in the current status of women's representation in parliament after the elections.

7.3 ELECTORAL CAMPAIGNS

According to the election timetable, campaigns were scheduled to take place from 5 July to 9 October 2011. The campaigns were regulated by the Constitution, the New Elections Law, the Campaign Finance Regulations for Political Parties and Candidates (2011) and the Code of Conduct for Political Parties.

The Code of Conduct for Parties was drafted and voluntarily committed to by political parties in 2005. The code was established to safeguard the electoral process against violence intimidation and manipulation and to set an acceptable standard of behaviour for political parties and their supporters.

The code was revised in consultation with political parties for the 2011 elections. The code holds political parties accountable not to commit any of the offences listed in the constitution and Elections Law. It also commits parties to the use of non-abusive language, non-violent behaviour and the conducting of campaigns in a manner that does not obstruct the activities of other parties. Parties also committed to stop all campaign activities within 24 hours of the polls.

The Campaign Finance Regulations provides details regulating the campaign finance and expenses. It requires parties to appoint a campaign treasurer who is responsible for keeping records of candidate finances. It prohibits parties from receiving gifts or contributions from anonymous and corporate sources; it also prohibits the use of state resources and foreign sources of funding. Regulations also set ceilings for election expenses for candidates for different offices. Election expenses for presidential candidates are limited to \$2,000,000 USD, for vice-presidential candidates they are limited to \$1,000,000 USD, for senatorial candidates they are limited to \$600,000 USD and for membership of the House the limit is set at \$400,000 USD. The regulations also stipulate reporting and disclosure procedures for candidates, including a post-election audit.

The EISA mission was not on the ground throughout the campaign period; it was informed by stakeholders that the campaigns were conducted with minimal incidents of violence and intimidation. Parties held campaign rallies across the country, and there were few reports of violence such as the bombing of the UP office. There were also complaints by the CDC of denial of access to public facilities such as the Samuel Doe stadium for its campaign activities. There were also complaints about the use of state resources for campaigns by candidates of the ruling party.

The mission was on the ground in Liberia during the last week of the campaigns; it witnessed campaign rallies in Monrovia and followed the media coverage of the campaigns in other parts of the country.

Overall, the mission noted that there were no widespread outbreaks of violence during the 2011 campaign process and the atmosphere before the elections was calm and devoid of apparent forms of intimidation.

7.4 MEDIA COVERAGE OF THE CAMPAIGN PROCESS

The Press Union of Liberia Elections Code of Conduct was adopted in 2005 and revised in 2010. The code sets out the mandate of journalists and media houses in Liberia to give fair and objective coverage of the elections in Liberia. The code also includes a Journalist Creed that commits journalists to the principles and standards of journalism.

The use of the media was open to all parties, although there were complaints from some opposition parties that they were turned down by some media houses. One issue that raised concerns was the indefinite suspension of the managing director of the Liberia Broadcasting Service just a few weeks before the elections on 23 September 2011. The CDC interpreted his suspension as punishment for allowing a live broadcast of a CDC event.

7.5 CIVIC AND VOTER EDUCATION

The conduct of the referendum gave the NEC an opportunity to test-run its system and test the voters' level of awareness about the elections. For the 2011 elections, NEC-accredited NGOs operating in Liberia conducted voter education. The Commission also conducted voter education with support from its technical partners. Voter education was conducted using radio jingles, posters and bill boards. Political parties were also involved in voter education, although their priority was to campaign for their candidates. They also had messages that encouraged voters to turn up to vote and enlightened them on the voting procedures.

7.6 SUPREME COURT RULING ON THE QUALIFICATIONS OF PRESIDENTIAL CANDIDATES

With the outcome of the national referendum, the 10-year residency requirement for presidential candidates was retained in article 52(C) of the constitution. This left the question about the eligibility of the presidential candidates for the 2011 elections unresolved, considering the fact that most candidates were not eligible to contest, according to the constitutional requirement. On 14 September 2011 Mr Simon Freeman, the standard bearer of the Movement for Progressive Change, (MPC) and others filed a 17-count petition against the NEC and six other political parties for violating article 52 (c) of the Liberian constitution. This legal action questioned the eligibility of six top contenders in the presidential elections, including the incumbent,

President Ellen Johnson Sirleaf of the UP, Cllr Charles W. Brumskine of the LP, Prince Johnson of the NUDP, Cllr Winston Tubman of the CDC, Rev. Kennedy Sandy of the LTP, and Mr Dew Mason of the NDC.

On 5 October 2011 the supreme court issued a judgment that put to rest the controversies surrounding the eligibility of six presidential elections candidates. In its judgment the court declared that an application of article 52 (c) of the constitution in the 2011 elections was illogical given that the constitution was suspended during the civil war and only restored in 2006. Since it had only been five years since the restoration of democratic governance, it would be illogical to apply the 10-year residency requirement. The court also noted that in line with article 21 of the constitution that prohibits a retroactive application of law, the 10-year residency requirement could not be applied in the 2011 presidential elections.³⁴

With the supreme court judgment, the controversy around presidential candidates' eligibility was laid to rest and the context for the 2011 general elections was set.

8

The Election Phase



8.1 Election day – 11 October 2011

8.2 The run-off presidential elections

8.1 ELECTION DAY – 11 OCTOBER 2011

Generally, polling officials conducted their duties in an efficient and transparent manner and endeavoured to follow the opening, closing and counting procedures as provided in the law. There was a discernible climate of peace, tolerance and general enthusiasm for the process. There was also a positive and calm police presence at almost all the polling centres visited.

There was a widespread presence of party agents and domestic observers, and they showed a good level of preparedness for the process.

Some inconsistencies and issues were noted and are detailed below. These did not affect the general outcome of the process, nor did they directly prevent voters from expressing their choice.

The elections were held during the rainy season in an environment that was not conducive for voters to express their will, although Liberian voters showed resilience and braved the intense rain in some counties for several hours to cast their vote.

8.1.1 Polling places

The NEC established 1,780 polling precincts with a total of 4,457 polling places, and these numbers were adequate to ensure that as many eligible voters as possible cast their votes.

The layout of the polling places observed by the EISA mission was generally conducive to an easy flow of voters. The efforts of the Electoral Commission to provide voting screens in places where polling booths were not available were commendable. However, it is important to note that the non-availability of polling booths in these places could compromise the secrecy of the ballot; it is therefore important to make efforts for them to be made available across the country. It was also noted that many polling precincts were not accessible to voters with disabilities.

In most polling stations observed by the EISA mission, voting began at 8:00 am.

8.1.2 Ballot papers, ballot boxes and election materials

The ballot boxes were transparent, which promoted the confidence of voters in the process. The boxes were colour-coded with stickers for each of the three elections for ease of identification.

In general, polling materials were available and in adequate numbers. The colour-coding of the ballot papers to correspond with the colours of the respective ballot boxes was a good decision by the NEC to facilitate voting operations and guide voters in the casting of their ballots.

8.1.3 Voting process

Voting procedures adopted during the elections were largely the same as the procedures for the referendum, as stated above. The voting process took place with a good degree of consistency throughout the polling places observed by the EISA mission. In the polling stations observed, there were very few cases of voters in possession of voters' cards unable to vote because their names were not on the Final Registration Roll.

Party agents were very active and vocal in expressing their concerns during the voting process, although it was noted that in some instance their concerns were not given due consideration by the presiding officers.

There was a balanced turnout of both female and male voters and a good turnout of young voters, although general turnout was higher in urban areas than in rural ones.

The absence of a legal requirement for the NEC to make copies of the Final Registration Roll available to political parties constitutes a challenge to the transparency of the process.

The gender balance among polling officials is highly commendable.

8.2 THE RUN-OFF PRESIDENTIAL ELECTIONS

8.2.1 Context of the run-off presidential elections

Article 83 (b)³⁵ of the Liberian Constitution mandates the NEC to conduct run-off elections if no candidate obtains the absolute majority in the first round of the presidential elections. The run-off elections are to be contested by the two candidates with the highest number of votes in the first round on the second Tuesday after the announcement of results. In line with this constitutional requirement, NEC announced that the run-off elections will be held on 8 November 2011, to be contested between President Ellen Johnson-Sirleaf of the UP and Cllr Winston Tubman of the CDC. The Commission also announced a campaign period for the run-off elections from 26 October to 6 November 2011.

The CDC announced that it would not be participating in the run-off elections unless a set of demands it issued to the NEC were met. These demands included:

- A checks and balance system that would entail a change of the NEC leadership, 50-50 representation of CDC and UP as ad hoc members of NEC, deployment of international observers and the use of two separate ballot boxes.
- Refusal of voters with registration cards whose names are not found on the FRR.
- Equitable access to public facilities.

Prior to issuing these demands, the CDC had also called for a change of NEC leadership and the postponement of the run-off elections. The CDC's demand for a change of NEC leadership was based on an accusation that the Chairman of the Commission was a member of the ruling party and other members of the NEC had secretly attended meetings with the UP.

The CDC argued that the run-off elections should be postponed till a later date because the irregularities identified by the opposition parties during the 11 October polls were yet to be addressed. The demands made by the CDC created tensions in the polity, because the removal of NEC members requires a proof of misconduct and a process of impeachment by the Senate. While the CDC made allegations in public, it did not file official complaints before the Senate to commence proceedings for the impeachment of the NEC Chair. On 30 October 2011, Mr James Fromayan tendered his resignation as the chair of the NEC, which was accepted by the president. With regard to the demand for postponement of the elections, the NEC insisted that the timelines for the conduct of the run-off elections were clearly stipulated in the constitution and should not be contravened.³⁶

While the CDC received the resignation of the NEC chairman as a welcome step towards its demands being addressed, it insisted that the entire membership of NEC should to be changed because they were part of the old structure. Amid the growing tension in the country, Cllr Tubman was summoned by the ECOWAS chairman, President Goodluck Jonathan of Nigeria, for a dialogue in Abuja; the details of this meeting were not publicised. Upon his return to Monrovia on 4 November, he addressed a press conference at which he stated his decision not to participate in the run-off elections, and called on his party members and supporters to boycott the run-off elections. The party called on its members to turn out for a vigil for peace and transparency.

The CDC's decision to boycott the elections drew reactions from within and outside Liberia, with calls from international bodies such as the AU and ECOWAS for the opposition to reconsider its position in the interest of peace. The president also addressed the nation in a national broadcast urging Liberians to avail themselves of the opportunity to exercise their franchise.

The campaigns for the run-off elections were preoccupied with the issue of participation and boycott. While the UP and other parties that had pledged support to the UP carried out campaigns to encourage Liberians to turn out to vote, the CDC and other parties in support of its position such as the LRP continued to call for a boycott of the elections and to mobilise for protest rallies.

As required by law, all forms of campaigns were to end at midnight on 6 November 2011. In spite of the mandatory 24-hour cooling-off period the CDC called for a protest rally on 7 November 2011. While CDC supporters were gathered at the party headquarters, events turned violent when protesters and police clashed. While the EISA mission was unable to verify the details of the incident, news reports alleged that the police opened fire on unarmed protestants, and this sparked off a clash that ended up with three people dead and others injured.³⁷

The protest that turned violent on the eve of the elections created an atmosphere of fear and uncertainty. Fears were further heightened by the threats from the CDC that it would strike back to teach the police a lesson.

Following the outbreak of violence, the LNP shut down three media houses on the basis of a court order for these media houses to be removed from the airwaves. Opposition parties however interpreted this as crackdown on media houses that were owned by opposition politicians. The affected media houses were Kings FM, owned by George Weah of the CDC, Love FM & TV, owned by Benoni Urey of the NPP, and Power FM and TV, owned by Aaron Kollie. The media houses sought clarifications in a law suit that was not heard until after the elections.³⁸

Against this background of threats and fears of violence, the run-off presidential elections were held on 8 November 2011.

8.2.2 Run-off election day – 8 November 2011

The voting and counting process was conducted with integrity and professionalism in accordance with the laws of Liberia in most polling places observed by the EISA mission. However, turnout was lower than in the first round, probably due to the call for a boycott by the CDC, and the incidents of violence in Monrovia on the eve of the poll.

A few isolated irregularities were noted, such as inconsistency in the inking of voters and an early start to the counting in some polling places in Monrovia. Most polling places opened on time, and polling materials were available in sufficient quantities.

The EISA mission observers did not witness any acts of intimidation or coercion on election day, and noted that law enforcement agencies were present in all polling precincts, but they did not interfere with or negatively influence the conduct of the election.

The secrecy and integrity of the vote were generally ensured, and several domestic and international observers were present in most of the polling precincts. Women were equitably represented as polling officials.

9

Post-Election Phase



9.1 Counting and tabulation process

9.2 Tally procedures

9.3 Results of the elections

9.1 COUNTING AND TABULATION PROCESS

The counting procedures adopted during the elections were largely the same as the procedures adopted during the referendum, as stated above. Polling officials were generally well-trained for the counting process. In most of the polling places visited by the EISA mission, the counting process was conducted in compliance with stipulated procedures, which was an improvement on the counting process observed during the referendum. The counting process was conducted in an open and transparent manner, ensuring that all those present had a clear view of the marked ballot paper. There were a very low number of rejected or invalid ballots in the polling stations observed.

The tally process, which took place at the 19 magisterial offices, was largely transparent. Party and candidate agents were present at all magistrate offices, and in many cases domestic and international observers and the media also witnessed the tallying process.

There was a small number of computing mistakes in the Record of the Counts forms from the polling places, but those were easily corrected. These mistakes seem to have been caused by inadequate training of some polling place officials. There were also some procedural irregularities in the correction of those mistakes and inconsistencies, but these did have an impact in the outcome of the election for any party or candidate.

9.2 TALLY PROCEDURES

The tallying of results follows the Tally Procedures for the Presidential and Legislative Election 2011, approved by the NEC on 11 October 2011, and takes place at the magistrates' offices. Three Tamper-Evident Envelopes, coded TEE1, TEE2, and TEE3, with the tally sheets from the polling places and an additional envelope for polling day complaints are delivered to the magistrates' office for the tallying process.

The tallying process follows four steps: intake of the TEEs; issuing of copies of the Record of the Count forms to the party agents and observers; entering of results into the database; and storage of the processed TEEs. The results from the tallying process at the magistrate offices are transmitted to NEC National Tally Centre in Monrovia.

The tallying process in the different magisterial offices followed all the procedures prescribed by law, with very minor deviations.

9.3 RESULTS OF THE ELECTIONS

As provided in section 4.14 of the electoral law, results of elections should be announced not later than 15 days after the day of election.

The results of the 11 October 2011 presidential, Senate and House of Representatives elections were officially announced by the NEC at a press conference on 25 October 2011. The Commission stated that none of the presidential candidates achieved the required absolute majority in the elections. The Commission therefore declared that the two top contenders – Ellen Johnson-Sirleaf of the UP, who emerged with 43.9% of the votes and Winston Tubman of the CDC, who emerged with 32.7% of the votes – would contend in the run-off elections to be held on 8 November 2011. The result was rejected by the CDC, which called for a boycott of the run-off election.

The results of the run-off presidential elections were officially announced on 15 November 2011: the incumbent, Ellen Johnson-Sirleaf, was declared the winner with 90.7% of the votes. It is, however, important to note that the run-off elections recorded a low voter turnout of 38.6%, following the violence on the eve of the elections and the boycott by the CDC. Though the CDC decided to boycott the run-off election, its candidate received 9.3% of

the votes in the run-off because his name appeared on the ballot as the party announced its decision to boycott was very close to the run-off election.

In the Senate elections, for which 15 of the 30 seats were contested, the UP and NPP won four seats respectively, and five other parties and an independent candidate also won seats. The ruling party maintained its majority in the Senate. In the House of Representatives elections, the ruling party also won the highest number of seats, with 24 of the 73 seats in the House.

The results of the elections are presented in the tables below.

Table 12: Results of the 11 October 2011 presidential election and the 8 November 2011 run-off presidential election³⁹

			First round		Second round	
Presidential candidate	Vice-presidential candidate	Party	Votes	%	Votes	%
Johnson-Sirleaf, Ellen	Boakai, Joseph Nyuma	Unity Party (UP)	530,020	43.9%	607,618	90.7%
Tubman, Winston A.	Weah, George Manneh	Congress for Democratic Change (CDC)	394,370	32.7%	62,207	9.3%
Johnson, Prince Yormie	Supuwood, James Laveli	National Union for Democratic Progress (NUDP)	139,786	11.6%		
Brumskine, Charles Walker	Siakor, Franklin Obed	Liberty Party (LP)	65,800	5.5%		
Sandy, Kennedy Gbleyah	Wolloh, Alloycious Dennis	Liberia Transformation Party (LTP)	13,612	1.1%		
Beyan, Gladys G.Y.	Deshield, Edward Gbortoe	Grassroot Democratic Party of Liberia (GDPL)	12,740	1.1%		

			First round		Second round	
Presidential candidate	Vice-presidential candidate	Party	Votes	%	Votes	%
Tipoteh, Togba-Nah	Marsh, Sr. J. Rudolph	Freedom Alliance Party of Liberia (FAPL)	7,659	0.6%		
Mayson, Dew Tuan-Wleh	Wolokolie, Dusty Lawrence	National Democratic Coalition (NDC)	5,819	0.5%		
Ndebe, Manjerngie Cecelia	Zubah, Zizi Kolubah	Liberia Reconstruction Party (LRP)	5,746	0.5%		
Freeman, Simeon	Cromah, Jr. Cyrus Inphason	Movement for Progressive Change (MPC)	5,559	0.5%		
Jones, Marcus Roland	Borbor, Monica Dokie	Victory for Change Party (VCP)	5,305	0.4%		
Guseh, James Sawalla	George, Sr. Lawrence Ashton	Citizens Unification Party (CUP)	5,025	0.4%		
Zoe, Hananiah	Flomo, Richard K.	Liberia Empowerment Party (LEP)	4,463	0.4%		
Cheapoo, Sr. Chea Job	Tarway, Jeremiah	Progressive People's Party (PPP)	4,085	0.3%		
Chelley, James Kpa	Woah-Tee, Jerry Kollie	Original Congress Party of Liberia (OCPOL)	4,008	0.3%		
Mason, Jonathan A.	Sando, Jemeon Alphonso	Union of Liberian Democrats (ULD)	2,645	0.2%		
Total valid votes			1,206,642	93.6%	669,825	96.5%
Invalid votes			82,074	6.4%	24,587	3.5%
Total votes (% of voter turnout)			1,288,716	71.6%	694,412	38.6%

Source: official website of NEC <http://www.necliberia.org/results2011/national.html>

Table 13: Results of the 11 October 2011 Senate and House of Representatives elections

Party / [Coalition]	Senate			House of Representatives		
	No. of votes	% of votes	No. of Seats won at 2011 elections	No. of votes	% of votes	No. of seats
Unity Party (UP)	164,851	13.78%	4	226,291	19.02%	24
Congress for Democratic Change (CDC)	259,161	21.67%	2	163,592	13.75%	11
Liberty Party (LP)	134,357	11.23%	–	117,285	9.86%	7
National Union for Democratic Progress (NUDP)	51,494	4.30%	1	50,010	4.20%	6
National Democratic Coalition [NDC]	41,717	3.49%	1	70,580	5.93%	5
National Patriotic Party (NPP)	70,260	5.87%	4	42,420	3.56%	3
Alliance for Peace and Democracy (APD)	29,777	2.49%	1	26,537	2.23%	3
Movement for Progressive Change (MPC)	18,098	1.51%	–	30,205	2.54%	2
Liberia Transformation Party (LTP)	48,180	4.03%	–	57,734	4.85%	1
Liberia Destiny Party (LDP)	19,993	1.67%	1	13,310	1.12%	1
National Reformation Party (NRP)	714	0.06%	–	9,813	0.82%	1
National Democratic Party of Liberia (NDPL)	2,440	0.20%	–	19,446	1.63%	–
Original Congress Party of Liberia (OCPOL)	403	0.03%	–	17,613	1.48%	–
Union of Liberian Democrats (ULD)	9,834	0.82%	–	15,199	1.28%	–
Victory for Change Party (VCP)	6,956	0.58%	–	10,744	0.90%	–

Party / [Coalition]	Senate			House of Representatives		
	No. of votes	% of votes	No. of Seats won at 2011 elections	No. of votes	% of votes	No. of seats
Liberia Empowerment Party (LEP)	–	–	–	9,174	0.77%	–
Citizens Unification Party (CUP)	–	–	–	8,946	0.75%	–
Grassroot Democratic Party of Liberia (GDPL)	4,515	0.38%	–	8,776	0.74%	–
Liberia Reconstruction Party (LRP)	–	–	–	8,641	0.73%	–
All Liberian Coalition Party (ALCOP)	9,745	0.81%	–	8,278	0.70%	–
Freedom Alliance Party of Liberia (FAPL)	2,697	0.23%	–	7,077	0.59%	–
Liberia National Union (LINU)	3,756	0.31%	–	5,347	0.45%	–
Progressive People’s Party (PPP)	–	–	–	1,015	0.09%	–
Republican Party of Liberia (RPL)	–	–	–	991	0.08%	–
National Social Democratic Party of Liberia (NSDPL)	–	–	–	850	0.07%	–
Independents	317,265	26.52%	1	250,412	21.04%	9
Total number of seats contested			15			73
Total valid votes	1,206,642	93.6%				
Invalid votes	82,074	6.4%				
Total votes (% of voter turnout)	1,288,716	71.6%				

Source: compiled with information from: <http://www.necliberia.org/results2011/national.html> and http://africanelections.tripod.com/lr.html#2011_Referendum



10.1 CONCLUSION

The Liberia electoral process of 2011, which included the 23 August referendum, the 11 October presidential and legislative elections and the 8 November presidential run-off election, was generally well-managed and its outcomes represented the will of the Liberian voters.

Election management could be improved, particularly through additional training of polling station officials, and the biggest challenges for credible and legitimate electoral processes in Liberia rest with the unfinished process of post-conflict national reconciliation, and the deep historical societal fissures that still overshadow Liberian politics.

The heated and polarising tone of the party electoral campaigns, the reluctance by the losers to accept the results, and the lack of trust in the formal dispute resolution mechanisms were a symptom and a cause of the deep political mistrust and divisions in the Liberian society and led to the boycott of the run-off election.

Broad-based national dialogue and development policies aimed at erasing deep political and socio-economic wounds that subsist in Liberia, as a result of its history and recent civil wars, will contribute significantly to reducing pre- and post-election conflicts and to creating an environment in which elections that are transparent, inclusive and credible in the eyes of all stakeholders can take place.

10.2 RECOMMENDATIONS

Based on its observations and findings, EISA makes the following recommendations with the aim of contributing to the improvement of future electoral processes in Liberia:

1. On the constitutional and legal framework for elections

Within the framework of a future constitutional review process, the unnecessary length-of-residence restrictions for presidential and vice-presidential candidates should be reviewed in line with international principles. EISA also recommends that the election date be determined in such a way so as to fall within the dry season.

2. On the electoral codes of conduct

A stronger effort should be made in future elections to improve the enforcement of the code of conduct, both by imposing stiffer penalties and by having clearer enforcement procedures.

3. On stakeholder dialogue

The NEC should improve its dialogue mechanisms with all electoral stakeholders to further improve information sharing and the transparency of the process.

4. On voter registration

Copies of the Final Registration Roll should be made available to all parties and independent candidates at no cost. All party agents should receive copies of the Final Registration Roll for the respective polling places they have been deployed on election day.

The NEC should also make an effort to purge the voters' roll of duplicate entries and underage voters.

5. On the registration of political parties and nomination of candidates

EISA strongly recommends that political parties be encouraged by law and through the code of conduct to enshrine internal democratic practices in the nomination of candidates. Parties should also adopt mechanisms that will increase the number of female candidates.

6. On the media

An effective level playing field should be created for fair access to the media by parties and candidates during the electoral process. The regulatory framework should be strengthened to adopt an enforceable code of conduct, especially for state-owned media, to ensure balanced coverage and reporting of electoral campaigns and related issues.

7. On political party and campaign finance

The new legislature should give consideration to a review of the current legal framework to provide public funding for political parties and electoral campaigns on the basis of clear criteria such as share of the popular vote, or seats obtained in parliament. The rationale for this recommendation is that public funding of parties and campaigns would contribute to the levelling the playing field; and may encourage increased participation by female candidates.

The current provisions for ceilings on campaign donations should also be strengthened to reduce the negative influence of money in Liberian politics.

A review of the current provisions for payment of registration fees by candidates should also be considered to make candidature open to Liberians from all walks of life.

8. On civic and voter education

The NEC and Liberian civil society organisations should expand their civic and voter education campaign and efforts in order to reach the country's rural population.

9. On the polling stations

In future electoral processes, an effort should be made to select polling places with enough space and light to permit an easy layout, good flow of voters and efficient polling operations, and also an adequate monitoring of the process by party agents.

10. On ballot papers, ballot boxes and election material

The NEC must make an effort to provide voting booths for all polling places

in the country in order to ensure adequate protection of the secrecy of the voting process.

11. On the voting process

Additional training should be given to polling officials and increased supervision should be available on polling day in order to ensure greater harmonisation in the implementation of instructions and procedures.

The complaints process should be reviewed in order to allow every concern from the party agents to be adequately considered and, if necessary, recorded.

12. On the counting process

Copies of the tally sheet at polling places should be distributed to all party agents present, regardless of the number of votes received by their candidates.

13. On gender representation

EISA strongly recommends that corrective measures, such as appropriate legal reforms and quota requirements, be undertaken in order to achieve greater gender parity not only in the nomination process, but also in the final makeup of the representation of women in elective positions in Liberia.

Appendix I

Composition of EISA Technical Assessment Team to the 23 August 2011 referendum

	Name	Organisation	Country of origin	Gender
1	Gaston Djilio Kalombo	Consultant	South Africa	Male
2	James Lahai	National Elections Watch (NEW)	Sierra Leone	Male
3	Olufunto Akinduro	EISA	Nigeria	Female

Appendix 2

Composition of EISA Election Observation Mission to the 11 October 2011 Presidential and Legislative elections

	Name	Organisation	Role	Country of origin	Gender
1	Leshele Thoahlane	Directorate on Corruption & Eco Offences DCEO	Mission Leader	Lesotho	M
2	Miguel de Brito	EISA – Maputo	Deputy Mission Leader	Mozambique	M
3	Dr Gaston Kalombo	Consultant	Observer	South Africa	M
4	James Lahai	National Elections Watch	Observer	Sierra Leone	M
5	Momoh Kanneh	Electoral Commission of Sierra Leone	Observer	Sierra Leone	M
6	Lawal Amodu	CDD Nigeria	Observer	Nigeria	M
7	Alka Larkan	EISA – Johannesburg	Observer	South Africa	F
8	Junior Muke	EISA – Johannesburg	Observer	DRC	M
9	Joseph Oneka	Uganda Joint Christian Council, Kampala	Observer	Uganda	M
10	Beatrice Abuya Duma	Catholic Justice and Peace Commission, Nairobi	Observer	Kenya	F

11	Angelina Daniel Seeka	Southern Sudan Public Grievance Chamber	Observer	Republic of South Sudanese	F
12	Maimouna Konate	Consultant	Observer	Ivory Coast	F
13	Laura Anyola Tufon	SNJP/CDJP (Service National/ Commission Diocésaine Justice et Paix)	Observer	Cameroun	F
14	Rachel Tadesse Asfaw	Electoral Commission of Ethiopia, Addis	Observer	Ethiopia	F
15	Barbara Nyangairi	Zimbabwe Electoral Support Network, Harare	Observer	Zimbabwe	F
16	Magdalene Kieti	EISA – Kenya	Observer	Kenya	F
17	Olufunto Akinduro	EISA – Johannesburg	Coordinator	Nigeria in SA	F
18	Yvette Ondinga	EISA- Johannesburg	Logistics officer	South Africa	F



Members of the EISA Mission to the 11 October presidential and legislative elections

Appendix 3

Composition of EISA Election Observation Mission to the 8 November 2011 run-off presidential elections

	Name	Organisation	Role	Country of origin	Gender
1	Irene Chirwa Mabilima	Chairperson of Electoral Commission Zambia	Mission Leader	Zambia	F
2	Miguel de Brito	EISA, Maputo	Deputy Mission Leader	Mozambique	M
3	Patricia Mwila Bowa	Electoral Commission Zambia	Assistant to Mission Leader	Zambia	F
4	Dr Gaston Kalombo	Consultant	Observer	South Africa	M
5	James Lahai	National Elections Watch	Observer	Sierra Leone	M
6	Lawal Amodu	CDD Nigeria	Observer	Nigeria	M
7	Joseph Oneka	Uganda Joint Christian Council	Observer	Uganda	M
8	Angelina Daniel Seeka	Southern Sudan Public Grievance Chamber	Observer	South Sudan	F
9	Alka Larkan	EISA, Johannesburg	Observer	South Africa	F
10	Catherine Musuva	EISA, Johannesburg	Observer	Kenya	F
11	Magdalena Kieti	EISA, Nairobi	Observer	Kenya	F
12	Joel Opicho Mabonga	Interim Independent Electoral Commission, Kenya	Observer	Kenya	M
13	Abuid Simiyu Wasike	Interim Independent Electoral Commission, Kenya	Observer	Kenya	M
14	Nancy Wanjiku Kariuki	Interim Independent Electoral Commission, Kenya	Observer	Kenya	F
15	Olufunto Akinduro	EISA, Johannesburg	Coordinator	Nigeria	F
16	Yvette Ondinga	EISA, Johannesburg	Logistics officer	South Africa	F

Appendix 4

Terms of reference of the EISA mission

The terms of reference describe the role and responsibilities of the EISA Election Observer Mission during deployment for the 2011 presidential and legislative elections in Liberia. They provide a summary of the mission's objectives and outline the activities of international observers.

All EISA observers are guests in Liberia. The election and related processes are for the people of Liberia to participate in and conduct. As observers, members of the EISA mission are expected to assess these processes without interfering in the process. EISA believes that international observers can play a critically important supportive role by helping enhance the credibility of the elections, reinforce the work of domestic observer groups, and contribute to increasing popular confidence in the entire electoral process.

Following an invitation extended by the National Elections Commission of Liberia (NEC), EISA established a mission to observe the 2011 presidential and legislative elections in Liberia.

Specific objectives for this particular mission include the following:

- To assess whether the conditions exist for the conduct of elections that reflect the will of the people of Liberia;
- To assess whether the elections are conducted in accordance with the electoral framework of Liberia; and
- To assess whether the elections meet the benchmarks set out in regional, continental and international instruments.

In order to achieve the above, the mission will undertake the following activities:

- Obtain information on the electoral process from the NEC;
- Meet with political parties, civil society organisations, other international observer groups and other stakeholders to acquaint itself with the electoral environment;
- Observe all aspects of the election in the areas it will visit;

- Assess if all registered voters have easy access to voting stations and whether or not they are able to exercise their vote in freedom and secrecy;
- Assess the logistical arrangements to confirm if all necessary materials are available for the voting and counting to take place efficiently;
- Determine if all the competing parties and candidates are given equal opportunity to participate in the elections; and
- Report accurately on its observations and refer any irregularities to the relevant authorities.

Appendix 5

Code of Conduct for EISA observers

EISA ELECTION OBSERVER MISSION
PRESIDENTIAL AND LEGISLATIVE ELECTIONS IN LIBERIA
11 October and 8 November 2011

CODE OF CONDUCT

International election observation is widely accepted around the world. It is conducted by intergovernmental and international non-governmental organisations and associations in order to provide an impartial and accurate assessment of the nature of election processes for the benefit of the population of the country where the election is held and for the benefit of the international community. Much therefore depends on ensuring the integrity of international election observation, and all who are part of this international election observation mission, including observers and leaders of the mission, must subscribe to and follow this Code of Conduct.

Respect Sovereignty and International Human Rights

Elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine elections are internationally recognised human rights, and they require the exercise of a number of fundamental rights and freedoms. Election observers must respect the sovereignty of the host country, as well as the human rights and fundamental freedoms of its people.

Respect the Laws of the Country and the Authority of Electoral Bodies

Observers must respect the laws of the host country and the authority of the bodies charged with administering the electoral process. Observers must follow any lawful instruction from the country's governmental, security and electoral authorities. Observers also must maintain a respectful attitude toward electoral officials and other national authorities. Observers must note if laws, regulations or the actions of state and/or electoral officials unduly burden or obstruct the exercise of election related rights guaranteed by law, constitution or applicable international instruments.

Respect the Integrity of the International Election Observation Mission

Observers must respect and protect the integrity of the international election observation mission. This includes following this Code of Conduct, any written instructions (such as a terms of reference, directives and guidelines) and any verbal instructions from the observation mission's leadership.

Observers must: attend all of the observation mission's required briefings, trainings and debriefings; become familiar with the election law, regulations and other relevant laws as directed by the observation mission; and carefully adhere to the methodologies employed by the observation mission. Observers also must report to the leadership of the observation mission any conflicts of interest they may have and any improper behaviour they see conducted by other observers that are part of the mission.

Maintain Strict Political Impartiality at All Times

Observers must maintain strict political impartiality at all times, including leisure time in the host country. They must not express or exhibit any bias or preference in relation to national authorities, political parties, candidates, referenda issues or in relation to any contentious issues in the election process. Observers also must not conduct any activity that could be reasonably perceived as favouring or providing partisan gain for any political competitor in the host country, such as wearing or displaying any partisan symbols, colours, banners or accepting anything of value from political competitors.

Do Not Obstruct Election Processes

Observers must not obstruct any element of the election process, including pre-election processes, voting, counting and tabulation of results and processes transpiring after Election Day. Observers may bring irregularities, fraud or significant problems to the attention of election officials on the spot, unless this is prohibited by law, and must do so in a non-obstructive manner.

Observers may ask questions of election officials, political party representatives and other observers inside polling stations and may answer questions about their own activities, as long as observers do not obstruct the election process. In answering questions observers should not seek to direct the election process. Observers may ask and answer questions of voters but may not ask them to tell for whom or what party or referendum position they voted.

Provide Appropriate Identification

Observers must display identification provided by the election observation mission, as well as identification required by national authorities, and must present it to electoral officials and other interested national authorities when requested.

Maintain Accuracy of Observations and Professionalism in Drawing Conclusions

Observers must ensure that all of their observations are accurate. Observations must be comprehensive, noting positive as well as negative factors, distinguishing between significant and insignificant factors and identifying patterns that could have an important impact on the integrity of the election process. Observers' judgments must be based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence.

Observers must base all conclusions on factual and verifiable evidence and not draw conclusions prematurely. Observers also must keep a well documented record of where they observed, the observations made and other relevant information as required by the election observation mission and must turn in such documentation to the mission.

Refrain from Making Comments to the Public or the Media before the Mission Speaks

Observers must refrain from making any personal comments about their observations or conclusions to the news media or members of the public before the election observation mission makes a statement, unless specifically instructed otherwise by the observation mission's leadership. Observers may explain the nature of the observation mission, its activities and other matters deemed appropriate by the observation mission and should refer the media or other interested persons to the those individuals designated by the observation mission.

Cooperate with Other Election Observers

Observers must be aware of other election observation missions, both international and domestic, and cooperate with them as instructed by the leadership of the election observation mission.

Maintain Proper Personal Behaviour

Observers must maintain proper personal behaviour and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

Violations of This Code of Conduct

In a case of concern about the violation of this Code of Conduct, the election observation mission shall conduct an inquiry into the matter. If a serious violation is found to have occurred, the observer concerned may have their observer accreditation withdrawn or be dismissed from the election observation mission. The authority for such determinations rests solely with the leadership of the election observation mission.

Pledge to Follow This Code of Conduct

Every person who participates in this election observation mission must read and understand this Code of Conduct and must sign a pledge to follow it.

Appendix 6

Programmes for observer briefing sessions



THE CARTER CENTER
AND
THE ELECTORAL INSTITUTE FOR SUSTAINABLE DEMOCRACY IN AFRICA
INTEGRATED ELECTION OBSERVATION MISSION, LIBERIA

Observer Briefing Agenda
Mamba Point Hotel
6-7 October 2011

Thursday, 6 October 2011

- | | |
|----------------------|--|
| 9:00 – 9:30 | 1.1 Welcome and Introductions
Leshele Thoahlane, Mission Leader, EISA
John Stremlau, Vice-President for Peace Programs, TCC |
| 9:30 – 10:00 | 1.2 The Carter Center's History and Elections in Liberia
Alexander Bick, Mission Director, TCC |
| 10:00 – 10:30 | 1.3 EISA's Role in Promoting Democracy and Elections in Africa
Miguel de Brito, Deputy Mission Leader, EISA |
| 10:30 – 11:00 | 1.4 National Elections Commission (NEC): Expectations for Election Day
Joseph Yarsiah, Political Liaison, NEC |
| 11:00 – 11:15 | Tea Break |

11:15– 12:00	1.5 Political and Historical Country Briefing Mohammed M. Sherif, Programme Officer, TCC
12:00 – 13:30	1.6 Civil Society Panel Chair: <ul style="list-style-type: none">• Olufunto Akinduro, Mission Coordinator, EISA Panel: <ul style="list-style-type: none">• Oscar Bloh, Elections Coordinating Committee: The Role of Domestic Observers• Cecelia Damu Weli, West African Network for Peace: Women’s Representation in the Elections• Jasper Cummeh, AGENDA: Campaign Finance in Liberia• Peter M. Quaqua, Press Union of Liberia: The Role of the Media
13:30 – 14:30	Lunch
14:30 – 15:15	1.7 Declaration of Principles for International Observation, Code of Conduct for Observers, Pledge Miguel de Brito, Deputy Mission Leader, EISA
15:15 – 15:45	1.8 Democratic Election Standards Beth Plachta, Assistant Project Coordinator, TCC
15:45 – 16:30	1.9 Legal/Institutional Framework Don Bisson, Legal Expert, TCC
16:30 – 16:45	Tea Break
16:45 – 18:00	1.10 Election Day Procedures – Simulation Exercise George Baratashvili, United Nations Development Programme (UNDP)
18:15	EISA only – Press Conference
19:00	EISA – Free time for dinner TCC – Group Dinner (Cape Hotel)

Friday, 7 October 2011

- 9:00 – 9:15** **Overview of Day 1**
- 9:15 – 10:45** **2.1 Using Election Day Checklists**
Mariusz Wojtan, Observer Coordinator & Elections Expert, TCC
- 10:45 – 11:00** **2.2 Deployment Plan**
Davor Corluka, Security & Logistics Officer, TCC
- 11:00 – 11:15** **2.3 Incorporating Randomisation in Observation**
Dr Susan Hyde, Yale University
- 11:15 – 11:30** **Tea Break**
- 11:30 – 12:30** **2.4 Communications and Reporting System on Election Day**
Mariusz Wojtan, Observer Coordinator & Elections Expert, TCC
- 12:30 – 13:30** **Lunch**
- 13:30 – 14:30** **2.5 Break-out Session – Finance Procedures**
EISA
Yvette Walljee Ondinga, Logistics Officer, EISA
TCC
Sumo Walters, Finance Officer, TCC
Courtney Mwangura, Peace Programs Financial Analyst, TCC
- 14:30 – 15:30** **2.6 Security and Media Policy**
Davor Corluka, Security & Logistics Officer, TCC
- 15:30 – 15:45** **Tea Break**
- 15:45 – 17:00** **2.7 Communications Exercise – Using the Android Phone System**
Tom Smyth, Technologist, TCC
- 17:00 – 17:15** **2.8 End of Day Review and Evaluation**
Mariusz Wojtan, Observer Coordinator & Elections Expert, TCC

17:15 – 18:45 2.9 Break-out Session – Distribution of Deployment Funds and Supplies

EISA

Yvette Walljee Ondinga, Logistics Officer, EISA

TCC

Davor Corluka, Security & Logistic Officer, TCC

20:00 EISA – Free time for dinner

TCC – Free time for dinner



THE CARTER CENTER
AND
THE ELECTORAL INSTITUTE FOR SUSTAINABLE DEMOCRACY IN AFRICA
INTEGRATED PRESIDENTIAL RUN-OFF ELECTION OBSERVATION MISSION
TO LIBERIA

**Observer Briefing Agenda
3-5 November 2011**

Thursday, 3 November 2011

- 13:00 – 13:45 1.1 Welcome and Introductions**
Justice Irene Chirwa Mambilima, Mission Leader, EISA
Alexander Bick, Mission Director, TCC
- 13:45 – 14:30 1.2 Declaration of Principles for International Observation**
Code of Conduct for Observers & Pledge
Miguel de Brito, Deputy Mission Leader, EISA
- 14:30 – 15:30 1.3 Democratic Election Standards**
Beth Plachta, Assistant Project Coordinator, TCC
- 15:30 – 15:45 Tea Break**
- 15:45– 16:45 1.4 Political Country Profile**
Mohammed Sherif, Program Officer, TCC

16:45 – 18:15 1.5 Observers’ Findings

Miguel de Brito, Deputy Mission Leader, EISA
 Alexander Bick, Mission Director, TCC
 Dan Saryee, Executive Member, ECC

19:00 TCC – Dinner at the Cape Hotel
EISA – Free for Dinner

Friday, 4 November 2011

9:00 – 9:15 Overview of Day 1

9:15 – 10:15 2.1 Security Briefing

Davor Corluka, Security & Logistics Officer, TCC

10:15 – 10:45 2.2 Media Policy

Beth Plachta, Assistant Project Coordinator, TCC

10:45 – 11:00 Tea break

11:00 – 11:30 2.3 Deployment Plan & Using Randomisation

Mariusz Wojtan, Observer Coordinator & Elections Expert, TCC

11:30 – 13:00 2.4 Regional Briefing Session with TCC LTOs
LTO1, LTO2, LTO3, LTO4

13:00 – 14:00 Lunch

14:00– 15:00 2.5 Communications Exercise – Using SAT Phones

15:00 – 15:30 2.6 Break-Out Session – Finance Procedures
EISA

Yvette Walljee Ondinga, Logistics Officer, EISA
TCC
 Sumo Walters, Finance Officer, TCC
 Beth Plachta, Assistant Project Coordinator, TCC

15:30 – 17:30 2.7 Break-out Session – Distribution of Deployment Funds and Supplies**EISA**

Yvette Walljee Ondinga, Logistics Officer, EISA

TCC

Davor Corluka, Security and Logistic Officer, TCC

19:00 - Free for Dinner**Saturday, 5 November 2011****9:00 – 9:15 Overview of Day 2****9:15 – 10:15 3.1 Legal & Administrative Framework**

Shalva Tskhakaya, Legal Advisor, UNDP (TBC)

10:15 – 11:45 3.2 Election Day Procedures – Simulation Exercise

George Baratashvili, Technical Advisor, UNDP (TBC)

11:45 –12:00 Tea Break**12:00 – 13:30 3.3 Using Election Day Checklists**

Mariusz Wojtan, Observer Coordinator & Elections Expert, TCC

13:30 – 14:30 Lunch**14:30 – 16:00 3.4 Communications and Reporting**

Mariusz Wojtan, Observer Coordinator & Elections Expert, TCC

16:00 – 16:15 Tea Break**16:15 – 18:00 3.5 Simulation Exercise – Using the Android Phone System (TBC)****20:00 TCC – Dinner at the Mamba Point Hotel****EISA – Free for Dinner**

Appendix 7

Statements issued by the EISA mission on the 11 October presidential and legislative elections



EISA ELECTION OBSERVER MISSION TO THE LIBERIA PRESIDENTIAL, SENATE AND HOUSE OF REPRESENTATIVES ELECTIONS 2011

ARRIVAL STATEMENT

Monrovia, 6 October 2011

The Electoral Institute for Sustainable Democracy in Africa (EISA) is pleased to announce the arrival of its Election Observer Mission in Monrovia, Liberia for the Presidential, Senate and House of Representatives elections scheduled to take place on Tuesday, 11 October 2011.

The Mission is led by Mr Leshele Thoahlane, Director-General of the Directorate on Corruption and Economic Offences (DCEO) and former Chair of the Independent Electoral Commission of the Kingdom of Lesotho. He is also the Chairperson of the EISA Board of Directors. It is composed of eighteen observers drawn from Civil Society Organisations and Election Management Bodies from Cameroun, the Democratic Republic of Congo, Cote d'Ivoire, Ethiopia, Kenya, Lesotho, Mozambique, Nigeria, Sierra Leone, South Africa, Republic of South Sudan, Uganda and Zimbabwe. Prior to the deployment of this Mission, EISA deployed a 3-member Technical Assessment Team to observe the 2011 Referendum in Liberia from 15-24 August, 2011. The work of this Mission will build on the findings of the Technical Assessment Team.

The overall objective of the Mission is in line with EISA's vision of promoting credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa. Its specific purpose is to

observe the electoral process to ascertain whether the process was organised and conducted in compliance with internationally accepted standards for credible elections. These standards include the African Union Declaration on Principles Governing Democratic Elections, the ECOWAS Protocol on Democracy and Good Governance and the Declaration of Principles for International Election Observation.

Members of the Mission started arriving in Monrovia on Tuesday, 4 October 2011 and will remain in the country until 14 October 2011. During this period, members of the Mission will interact with key electoral stakeholders, including the National Electoral Commission of Liberia, representatives of political parties, the media, and civil society organisations.

From 8 October 2011, members of the Mission will be deployed to the different counties of Liberia to observe the concluding stages of the campaigns, the polling and counting processes and other post-polling activities. Before its departure from Monrovia, the Mission is expected to present a preliminary analysis of its observations, findings and conclusions in a preliminary statement. EISA will compile and publish a final comprehensive report of the observations, findings and recommendations of the Mission within 3 months after the election. The report will present an objective assessment of the electoral process aimed at contributing, eventually, to the improvement of future elections and democratic governance in Liberia. The assessment to be presented in the report will be based on universally accepted principles and norms to which Liberia is subscribed as a sovereign democratic state.

EISA will be coordinating its observation and deployment in partnership with The Carter Center (TCC) through the TCC-EISA Integrated Election Observer Mission. Both organisations will adopt the same observation methodology and jointly deploy observers in fifteen Counties in Liberia. While both organisations will jointly observe the elections, their statements and reports on the elections will be separately issued.

The EISA Election Observer Mission is committed to working closely with all the relevant Liberian stakeholders and other election observer groups. It will act in an impartial, objective and transparent manner at all stages of the electoral process.

For further information about the Mission, please contact the Secretariat of the Mission based at the Cape Hotel, Mamba Point, Monrovia. The Mission Coordinator is Ms. Olufunto Akinduro who can be contacted on +231880909462 or email: olufunto@eisa.org.za



EISA ELECTION OBSERVER MISSION TO THE
LIBERIA PRESIDENTIAL, SENATE AND HOUSE OF
REPRESENTATIVES ELECTIONS 11 OCTOBER 2011

INTERIM STATEMENT

I. INTRODUCTION

At the invitation of the National Elections Commission of Liberia (NEC), the Electoral Institute for Sustainable Democracy in Africa (EISA) deployed an Election Observer Mission for the 2011 Liberia Presidential and Senate and House of Representatives Elections that were held on 11 October 2011.

The EISA Mission has made its assessment of the 2011 Liberian electoral process, and its preliminary findings and recommendations are presented in this Interim Statement. Our observations and views are based on EISA's Principles for Election Management, Monitoring and Observation (PEMMO) and the AU Declaration on the Principles Governing Democratic Elections in Africa.

EISA will produce a final, more comprehensive report on the entire election process within three months.

The final report will provide an in-depth analysis, detailed observations and recommendations. EISA will therefore continue to follow the process to completion, including the announcement of the final election results.

On behalf of the EISA Election Observer Mission, we take this opportunity to extend our gratitude to the people of Liberia and the electoral stakeholders for the warm welcome and hospitality given to us. We also congratulate the people of Liberia for their political maturity and the peaceful manner and atmosphere in which the elections were conducted. During our mission, we

were allowed unhindered and unrestricted access to all key offices dealing with elections and all polling places and NEC offices. We acknowledge and appreciate the hospitable, courteous and friendly manner in which the leadership and staff of the National Elections Commission of Liberia received our Mission.

2. MISSION COMPOSITION

Led by Mr Leshele Thoahlane, Director-General of the Directorate on Corruption and Economic Offences of the Kingdom of Lesotho, and Chairperson of the EISA Board of Directors, and assisted by Mr Miguel de Brito, EISA Country Director in Mozambique, the EISA Observer Mission consisted of eighteen members, including representatives from electoral commissions and civil society organisations from Cameroon, Cote d'Ivoire, Democratic Republic of Congo, Ethiopia, Kenya, Lesotho, Mozambique, Nigeria, Sierra Leone, South Africa, Republic of South Sudan, Uganda and Zimbabwe.

3. MISSION METHODOLOGY

EISA coordinated its observation in partnership with The Carter Center (TCC) through the TCC-EISA Integrated Election Observer Mission. Both organisations adopted the same observation methodology and jointly deployed observers in the fifteen counties in Liberia.

The EISA Election Observer Mission conducted various activities covering the pre-election, the polling and the post-election phases. From 15-24 August, EISA deployed a three-member Technical Assessment Team to observe the 23 August 2011 Referendum, and for the Presidential and Senate and House of Representatives elections, the EISA Election Observer Mission arrived in Liberia on 4 October 2011.

The EISA Mission met various electoral stakeholders including the NEC, political parties, academics, civil society organisations, the media and domestic and international observer teams. Following a two-day briefing in Monrovia, EISA observers were deployed to eight counties on Saturday, 8 October 2011. Upon arrival in their areas of deployment, the EISA observers held further meetings with the main local stakeholders. This period was also used by the deployed observers to familiarise themselves with the local context and observe the last days of campaigning.

On Election Day, EISA observers visited a total of 130 polling places stations and observed the voting and counting processes.

4. PRELIMINARY FINDINGS

After considering relevant legislation and documentation, statements by electoral stakeholders, media reports, and observations made by its different teams deployed on the ground, and basing itself on guidelines contained in the PEMMO and the AU Declaration, the EISA Mission has made the following preliminary findings:

4.1 On the constitutional and legal framework for elections

The Constitution of Liberia provides for the fundamental freedoms and basic human, civil and political rights. The legal framework for elections also provides for mechanisms to address disputes in the electoral process and a right of appeal for aggrieved persons.

The Electoral Act defers to regulations and codes of conduct for the details of a number of important regulatory issues that should require enforcement, namely the use of public resources, placement of campaign posters, the media, among others. This opens space for lack of clarity in the interpretation and implementation of the law.

The Mission notes that the stringent 10-year residential requirement for presidential candidates constitutes undue restrictions for candidates that could be otherwise qualified to contest in an election.

We also note the fact that a majority of Liberians – 54% – that voted in the August 23 Referendum voted for the reduction of such requirements. The current constitutional restrictions should be reviewed because it is not in line with international best practices for democratic elections.

The Mission notes with satisfaction that the legal framework provides for independent presidential and parliamentary candidates to contest in Liberian elections.

4.2 On the political and electoral system

The Mission notes with satisfaction that Liberians have the right and the opportunity to elect their representative government through regular

and periodic elections through universal, direct and secret balloting, and there are term limits for the presidential mandate in accordance with international benchmarks and standards.

Although the Mission considers that the choice of an electoral system is the prerogative of each country, the Mission also notes that, in countries where cultural, economic and political factors contribute to male dominated politics, the first-past-the-post electoral system has been known for producing underrepresentation of women in legislatures. Such is the case of Liberia, where women represent only 12.5% of the House of Representatives and 16.7% of the Senate.

4.3 On election management

The Mission congratulates the National Elections Commission for their professionalism, integrity, dedication and hard work in the management of the 2011 electoral process under these politically and logistically difficult circumstances.

The Mission notes that the National Elections Commission of Liberia is empowered to perform the main functions of election management, and that the Constitution provides for the appointment of NEC by the President subject to Senatorial ratification. It also guarantees the independence of the Commission from external directions in its operations.

Many political parties expressed confidence on the professionalism and efficiency of the Commission, although some are of the opinion that NEC has not discharged its functions with impartiality.

The Mission noted with satisfaction that Liberian personnel are increasingly taking the lead in election management in Liberia, thus reducing their dependence of foreign expertise. The Mission notes with satisfaction that the current composition of NEC respects the principles of gender balance with three out of its seven members being women.

4.4 On conflict management

The Mission noted that an Inter-Party Consultative Committee (IPCC)

between political parties and the NEC is in place since 2005 as a mechanism to deal with election-related disputes. However, some stakeholders lamented the fact that the IPCC has not performed its role as effectively as it was expected, and regretted the lack of sufficient dialogue between the NEC and electoral stakeholders.

4.5 On the electoral codes of conduct

The Mission noted with satisfaction that NEC has issued Codes of Conduct covering political parties, the media, observers, and its personnel. Much as this is a welcome development, the level of adherence to and enforcement of these codes has not been impressive, especially with regard to the campaign regulations and the media.

4.6 On voter registration

The Mission was informed that for this election a full voter registration process was completed in February 2011 and that the provisional voters' roll was publicly exhibited to allow claims and objections from voters. The Mission notes however that the exhibition period of five days is very short.

Voter registration was conducted with the use of mobile computer kits and was regarded by most stakeholders as an efficient and inclusive process. Some stakeholders expressed lack of confidence in the integrity of the voters' roll produced by the NEC, alleging that it is inflated with underage voters.

The Mission notes that the 2011 voter register has increased by 33% from 2005, and includes more than 85% of all eligible voters, with a balance between female and male registered voters. The Mission regards this as a positive development.

The Mission notes with regret that the Electoral Act does not provide for the availability of copies of the voter register to political parties and candidates. Political parties and candidates also complained that party agents are not entitled to the copies of the Final Registration Roll at their respective polling places, as it is practice in many African countries and elsewhere.

4.7 On the registration of political parties and nomination of candidates

In order to operate as legally recognised entities, political parties are required to be registered. Political parties and independent candidates were free to register to contest in the presidential and parliamentary elections, and the Mission received no complaints regarding any hindrance to the registration of candidates.

The nomination of candidates was done at party congresses across the country between July and August 2011. In its consultation with political parties, it was noted that the nomination process was conducted according to laid down procedures and effectively monitored by NEC.

In relation to the nomination of women candidates, all political parties performed poorly – only 11% of all candidates were women.

4.8 On the electoral campaign

The Mission congratulates the Liberian people and politicians for the peaceful and free campaign period. The Mission noted the enthusiasm, vivacity and remarkable peacefulness with which the election campaign was conducted.

The Mission noted the variety of means political parties and independent candidates used in their campaigns, such as posters, advertisements on big billboards, political rallies, television and radio appearances by candidates and debates involving representatives of various candidates, and other types of media outreach.

The Mission also received several reports of violations of the Code of Conduct by political parties and their supporters, especially related to posters and billboards being damaged, and was able to see firsthand some of those damaged campaign materials.

Other aspects related to the electoral campaign, such as media, use of public resources, and funding will be addressed in other sections of this Statement below.

4.9 On the media

It is generally accepted by most stakeholders that there was freedom of coverage and reporting by the media, both public and private. However, there were reports that the media was often biased in their reporting, either in favour of the incumbent party or the opposition parties. Although editorially the private media are held to different standards than the public media, they must always respect the principles of journalistic ethics in reporting and especially in the coverage and reporting of election campaigns.

The Mission noted that the Electoral Act does not contain provisions allocating airtime to political parties and candidates in the public media, or mandating the media to cover the campaigns with impartiality, objectivity and equity, in line with the AU Declaration and other international principles and benchmarks.

4.10 On the use of public resources

A number of political parties expressed concern that the presidential candidate from the ruling party took advantage of incumbency to use state resources for campaign purposes and thus had an unfair advantage in the election. However, the Mission had no means to verify these allegations.

4.11 On political violence and intimidation

The Mission has an overall positive assessment of the level of peacefulness of the electoral campaign, and observed no incidence of orchestrated or sustained and widespread violence and intimidation. In the Mission's view, the climate of political tension and the high stakes of this election did not translate into electoral violence.

4.12 On the role of security forces

The Mission received no reports of inappropriate behaviour by security forces during campaigning and voting. Most stakeholders praised the professionalism and restraint, which the security forces exercised during the electoral process. On voting day, the police presence in polling stations was discreet and did not interfere with the voting process, or with voters' ability to express their wish freely.

4.13 On political party and campaign finance

The legal framework for the conduct of elections in Liberia currently does not provide for public funding for political parties and electoral campaigns. It however provides ceilings on campaign expenses, restrictions on the sources of donations, public disclosure of sources and public disclosure of campaign expenses.

The Mission finds that the mechanisms to effectively track and sanction violators of the regulations on campaign financing are currently very weak in Liberia.

The Mission also notes that the provisions for the payment of non-refundable fees by candidates in the Code of Conduct for political parties may create an obstruction to intending candidates who are qualified but may not be in a position to raise such funds, especially women.

4.14 On civic and voter education

The Mission was informed of and noted the strong efforts by the NEC and a variety of civil society organisations to educate voters about the electoral process in all its phases. However, stakeholders contacted by the Mission were generally not happy with the content, coverage and reach of civic and voter education initiatives, contending that civic education failed to reach many rural voters.

4.15 On party agents and observers

The Mission notes with satisfaction that various observer missions witnessed the Liberian elections. There were over 250 international observers and more than 2,000 domestic observers accredited to observe the elections. Procedures for accreditation of international observers were easy and proceeded well.

On election day, the Mission noted the very high number of party agents present at every polling place visited, the presence of domestic election observers was also observed in all the stations visited.

4.16 On gender representation

The Mission notes with satisfaction the strong participation of Liberian

women in the electoral process as voters, civic educators, campaigners, polling staff, party agents, and observers.

However, as pointed out in different sub-sections of this Statement, there is a serious challenge of gender balance in the number of legislative and presidential candidates. This will translate into a significant under-representation of women in the Liberian legislature. 925 candidates contested in the 2011 elections of which 105 were women (11%), it is therefore expected that the number of female legislators elected in 2011 will be lower than in the last election. The Mission believes that there are several structural factors behind this phenomenon, namely the first-past-the-post two-member constituency system, and the lack of public funding for electoral campaigns, which could offset the difficulties female candidates face in raising funds for their own campaigns.

The Mission commends the efforts of the 105 women who stood as candidates, both through political parties and as independents, despite all the odds.

4.17 On polling day – general observations

Generally polling officials conducted their duties in an efficient and transparent manner and endeavoured to follow the opening, closing and counting procedures as provided in the law. There was a discernible climate of peace, tolerance and general enthusiasm for the process. The Mission noted a positive and calm police presence at almost all the polling centres visited.

The Mission was impressed by the widespread presence of party agents and domestic observers and their good level of preparedness for the process. The Mission also noted some inconsistencies and issues that are detailed below, these may not affect the general outcome of the process, nor did they directly prevent voters from expressing their choice.

The elections were held during the rainy season in an environment that was not conducive for voters to express their will, although the Mission was gratified by the resilience of Liberian voters who braved the intense rain in some counties for several hours to cast their vote.

4.18 On the polling places

The NEC established 1,780 polling precincts with a total of 4,457 polling places, and the Mission found the number of polling stations to be adequate to ensure that as many eligible voters as possible cast their votes.

The layout of the polling places observed by the Mission was generally conducive for an easy flow of voters. We commend the efforts of the Commission to provide voting screens in places where polling booths were not available. However, it is important to note that the non-availability of polling booths in these places could compromise the secrecy of the ballot; it is therefore pertinent to make efforts for them to be made available across the country. It was also noted that many polling precincts were not accessible to voters with disabilities.

In most polling stations, voting began at 8:00 am.

4.19 On the ballot papers, ballot boxes and election materials

The Mission noted that ballot boxes were transparent which promoted confidence of voters in the process. The boxes were colour-coded with stickers for each of the three elections for ease of identification.

In general polling materials were available and in adequate numbers. The colour-coding of the ballot papers to correspond with the colours of the respective ballot boxes was a good decision by the NEC to facilitate voting operations and guide voters in the casting of their ballots.

4.20 On the voting process

The voting process took place with a good degree of consistency throughout the polling places observed by the Mission. The Mission is happy to report that, in the polling stations observed, there were very few cases of voters in possession of voter's cards unable to vote because their names were not on the Final Registration Roll.

The Mission noted that party agents were very active and vocal in expressing their concerns during the voting process, although it was noted that in some instance their concerns were not given due consideration by the Presiding Officers.

The Mission observed a balanced turnout of both female and male voters and a good turnout of young voters, although general turnout seemed to be higher in urban areas than in rural ones.

The Mission noted with regret the lack of legal obligation for NEC to make copies of the Final Registration Roll available to political parties; this constituted a challenge to the transparency of the process.

The gender balance among polling officials is highly commendable.

4.21 On the counting and tabulation process

Polling Officials were generally well-trained for the counting process. In most of the polling places visited by the Mission, the counting process was conducted in compliances with stipulated procedures. The counting process was conducted in an open and transparent manner ensuring that all those present had a clear view of the marked ballot paper.

The Mission notes with satisfaction the very low number of rejected or invalid ballots in the polling stations observed.

The transmission and tabulation of results was on-going as at the time this statement was issued, it is therefore early to assess the system of transmission adopted by the NEC for the elections.

5. RECOMMENDATIONS

Based on its observations and findings, the Mission makes the following recommendations with the aim of contributing to the improvement of future electoral processes in Liberia:

5.1 On the constitutional and legal framework for elections

Within the framework of a future constitutional review process, the Mission encourages Liberians to review the unnecessary length-of-residence restrictions for presidential and vice-presidential candidates in line with international principles.

The Mission also recommends that the election date be determined in such a way as to fall within the dry season.

5.2 On the electoral codes of conduct

A stronger effort should be made in future elections to improve the enforcement of the Code of Conduct, both by imposing stiffer penalties and having clearer enforcement procedures.

5.3 On stakeholder dialogue

The Mission calls upon NEC to improve its dialogue mechanisms with all electoral stakeholders to further improve information sharing and the transparency of the process.

5.4 On voter registration

Copies of the Final Registration Roll should be made available to all parties and independent candidates at no cost. All party agents should receive copies of the Final Registration Roll for the respective polling places they have been deployed on election day.

The NEC should also make an effort to purge the Voters' Roll of duplicate entries and underage voters.

5.5 On the registration of political parties and nomination of candidates

The Mission strongly recommends that political parties be encouraged by law and through the code of conduct to enshrine internal democratic practices in the nomination of candidates. Parties should also adopt mechanisms that would increase the number of female candidates.

5.6 On the media

The Mission recommends that an effective level playing field should be created for fair access to the media by parties and candidates during the electoral process. The regulatory framework should be strengthened to adopt an enforceable Code of Conduct especially for state-owned media, to ensure balanced coverage and reporting of electoral campaigns and related issues.

5.7 On political violence and intimidation

The Mission calls upon the political parties, their leaders and candidates to continue to play a positive role in promoting peaceful elections in

future electoral contests and refrain from the use of inflammatory language and accusations.

5.8 On political party and campaign finance

The Mission encourages the new Legislature to give consideration to a review of the current legal framework to provide public funding for political parties and electoral campaigns, on the basis of clear criteria, such as share of the popular vote, or seats obtained in Parliament. The rationale for this recommendation is that public funding of parties and campaigns would contribute to the levelling the playing field; and may encourage increased participation by female candidates.

The current provisions for ceilings on campaign donations should also be strengthened to reduce the negative influence of money in Liberian politics.

A review of the current provisions for payment of registration fees by candidates should also be considered to make candidature open to Liberians from all walks of life.

5.9 On civic and voter education

The Mission urges NEC and Liberian civil society organisations to expand their civic and voter education campaign and efforts in order to reach the country's rural population.

5.10 On the polling stations

The Mission recommends that in future electoral processes an effort be made to select polling places with enough space and light to permit an easy layout, good flow of voters and efficient polling operations, and also an adequate monitoring of the process by party agents.

5.11 On ballot papers, ballot boxes and election material

The NEC must make an effort to provide voting booths for all polling places in the country in order to ensure adequate protection of the secrecy of the voting process.

5.12 On the voting process

The Mission suggests that additional training be given to polling

officials and increased supervision on polling day, in order to ensure greater harmonisation in the implementation of instructions and procedures.

Additionally, the Mission suggests that the complaints process be reviewed in order to allow every concern from the party agents to be adequately considered and, if necessary, recorded.

5.13 On the counting process

The Mission recommends that copies of the tally sheet at polling places should be distributed to all party agents present, regardless of the number of votes received by their candidates.

5.14 On gender representation

The Mission strongly recommends that corrective measures, such as appropriate legal reforms and quota requirements, be undertaken in order to achieve greater gender parity not only in the nomination process, but also in the final makeup of the representation of women in elective positions in Liberia.

6. CONCLUSION

At the time of the release of this statement, the tabulation and announcement of results were still in progress. Therefore, our conclusion on the conduct of these elections is restricted to the period of our observation up to this day, 13 October 2011. On the basis of its observation thus far and using the guidelines enshrined in the PEMMO and the AU Declaration, the EISA Election Observer Mission concludes that the Presidential and Legislative Elections held on 11 October 2011 in Liberia were conducted in a manner that allowed the people of Liberia to express freely their democratic choice. It is the hope of the Mission that the tabulation and announcement of the final results will be conducted in the same manner as the preceding stages so that the final electoral outcome can reflect the will of the Liberian voters. The Mission calls on all Liberians and, in particular, on all political parties and candidates to demonstrate restraint and calm during this period until the final results are announced and to use legal and peaceful means to resolve any disputes related to the electoral process.

Monrovia, 13 October 2011
Leshele Thoahlane, EISA EOM Leader

Appendix 8
**Statements issued by the EISA mission on the 8 November 2011 run-off
presidential election**



EISA ELECTION OBSERVER MISSION
TO THE LIBERIA PRESIDENTIAL RUN-OFF
ELECTIONS 2011

ARRIVAL STATEMENT

Monrovia, 4 November 2011

The Electoral Institute for Sustainable Democracy in Africa (EISA) is pleased to announce the arrival of its Election Observer Mission in Monrovia, Liberia, for the presidential run-off elections scheduled to take place on Tuesday, 8 November 2011.

The Mission is led by Justice Irene C. Mambilima, Chairperson of the Electoral Commission of Zambia. It is composed of fifteen (15) observers drawn from Civil Society Organisations and Election Management Bodies from Kenya, Mozambique, Nigeria, Sierra Leone, South Africa, Republic of South Sudan, Uganda and Zambia.

Prior to the deployment of this Mission, EISA deployed a 3-member Technical Assessment Team to observe the 2011 Referendum in Liberia from 15-24 August, 2011, and an 18-member Mission to the 11 October, 2011 Presidential, Senate and House of Representatives Elections. The work of this Mission will build on the findings of the previous Missions.

EISA will be coordinating its observation and deployment in partnership with The Carter Center (TCC) through the TCC-EISA Integrated Election Observer Mission. Both organisations will adopt the same observation

methodology and jointly deploy observers in fifteen Counties in Liberia. While both organisations will jointly observe the elections, their statements and reports on the elections will be separately issued.

The overall objective of the Mission is in line with EISA's vision of promoting credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa. Its specific purpose is to observe the electoral process to ascertain whether the process was organised and conducted in compliance with internationally accepted standards for credible elections. These standards include the African Union Declaration on Principles Governing Democratic Elections, the Declaration of Principles for International Election Observation and the Principles for Election Management, Monitoring and Observation (PEMMO).

Members of the Mission started arriving in Monrovia on Tuesday, 2 November 2011 and will remain in the country until 12 November 2011. During this period, they will interact with key electoral stakeholders, including the National Electoral Commission of Liberia, representatives of political parties, the media, and civil society organisations.

From 6 November 2011, members of the Mission will be deployed to the different counties of Liberia to observe the concluding stages of the campaigns, the polling and counting processes and other post-polling activities. Before its departure from Monrovia, the Mission is expected to present a preliminary analysis of its observations, findings and conclusions in a preliminary statement. EISA will compile and publish a final comprehensive report of the observations, findings and recommendations of the Mission within 3 months after the election. The report will present an objective assessment of the electoral process aimed at contributing, eventually, to the improvement of future elections and democratic governance in Liberia. The assessment to be presented in the report will be based on universally accepted principles and norms to which Liberia has subscribed as a sovereign democratic state.

The EISA Election Observer Mission is committed to working closely with all the relevant Liberian stakeholders and other election observer groups. It will act in an impartial, objective and transparent manner at all stages of the electoral process.

For further information about the Mission, please contact the Secretariat of the Mission based at the Cape Hotel, Mamba Point, Monrovia. The Mission Coordinator is Ms Olufunto Akinduro, who can be contacted on +231880909462 or email: olufunto@eisa.org.za



**EISA OBSERVER MISSION TO THE LIBERIA
RUN-OFF PRESIDENTIAL ELECTIONS
8 NOVEMBER 2011**

PRELIMINARY STATEMENT

At the invitation of the National Elections Commission of Liberia (NEC), the Electoral Institute for Sustainable Democracy in Africa (EISA) deployed an Observer Mission for the 2011 Liberia Presidential Run-Off Election that was held on 8 November 2011.

The EISA Mission is led by Justice Irene C. Mambilima, Chairperson of the Electoral Commission of Zambia. It is composed of fifteen (15) observers drawn from Civil Society Organisations and Election Management Bodies from Kenya, Mozambique, Nigeria, Sierra Leone, South Africa, Republic of South Sudan, Uganda and Zambia.

EISA coordinated its observation and deployment in partnership with The Carter Center (TCC) through the TCC-EISA Integrated Election Observer Mission. Both organisations adopted the same observation methodology and jointly deployed observers in the fifteen counties of Liberia.

The EISA Mission has made its assessment of the 2011 Liberian electoral process, and its preliminary findings and recommendations are presented in this Preliminary Statement.

Our observations and views are based on EISA's Principles for Election Management, Monitoring and Observation (PEMMO), the AU Declaration on the Principles Governing Democratic Elections in Africa and the Declaration of Principles on International Election Observation.

As the tally and announcement of results is still in progress, our conclusion on the conduct of these elections is restricted to the period of our observation up to this day, 10 November 2011.

This run-off election took place on 8 November 2011 as mandated by the Constitution and the Elections Law of Liberia following the results of the first round that produced no winner with an absolute majority. The Mission is of the opinion that the few irregularities observed in the tallying of results of the first round did not impact on the general outcome or the final results, and therefore, the Mission finds that the results of the first round were the product of a transparent and credible process and reflect the will of the people of Liberia.

The run-off election was contested between the two candidates with the highest number of votes in the first round, namely President Ellen Johnson-Sirleaf of the Unity Party (UP) and Mr. Winston Tubman of the Congress for Democratic Change (CDC).

On the basis of its observation and using the guidelines enshrined in the PEMMO, the AU Declaration and the Declaration of Principles on International Election Observation, the EISA Election Observer Mission preliminarily concludes that the result of the presidential run-off election reflects the will of those Liberian citizens, who went to the polls to elect their President.

The voting and counting process was conducted with integrity and professionalism in accordance with the laws of Liberia in most polling places observed by the Mission and. A few isolated irregularities were noted, such as inconsistency in the inking of voters and the early beginning of the counting in some polling places in Monrovia. The Mission observed that most polling places opened on time, and polling materials were available in sufficient quantities. The Mission observers did not witness any acts of intimidation or coercion during election day, and noted that law enforcement agencies were present in all polling precincts, and they did not interfere or negatively influence the conduct of the election. The secrecy and integrity of the vote were generally ensured, and several domestic and international observers were present in most of the polling precincts. The Mission noted with satisfaction that women were equitably represented as polling officials.

The ongoing tally process in the different magisterial offices has so far followed all the procedures prescribed by law, with very minor deviations.

The Mission notes the low turnout and regrets that the opportunity for thousands of Liberians to participate in the choice of their President in a free and informed manner was constrained by a number of factors; including CDC's call for a boycott, the lack of a real choice between candidates as a result of this boycott, and the incidents of violence in Monrovia on the eve of the poll.

The Mission noted with regret the decision by the CDC to abstain from campaigning and to call on its supporters to boycott the vote. The CDC's decisions were based on its argument that the first round was deeply flawed and therefore a number of measures should be taken before the run-off could take place. Among those, the CDC demanded the resignation of the Chairperson of the NEC, the inclusion of party representatives in the NEC, the extension of monitoring rights to international observers, the use of separate ballot boxes for each candidate, and the connection of the NEC's information system to the headquarters of political parties. Later, the CDC added demands for the replacement of the entire NEC and the postponement of the election.

In the Mission's opinion, most of these demands would be better addressed through a future legal reform process, rather than in the middle of the electoral process, as they would require substantive changes to the current legal framework for elections. The Mission was also informed of the efforts undertaken by the NEC to accommodate requests by the CDC to allow the party enough time to submit evidence related to its complaints about election irregularities. According to the NEC, the CDC failed to submit the required evidence and instead focused its efforts on calling for the postponement of the run-off without offering any plausible arguments as to how such postponement would address its stated grievances.

The Mission acknowledges that the timelines legally established for complaints and appeals related to the first round, which may take as long as 58 days, potentially conflicts with the legally mandated timeline for holding the run-off election. It therefore recommends that these timelines be

harmonised through legal reform in order to ensure that all issues related to the first round are resolved and adjudicated before a run-off.

While the Mission acknowledges that parties and candidates have the right not to campaign and to appeal for a boycott; it also recognises that Liberian voters have the right and should have the opportunity to express their choice free of coercion and with widest range of electoral choices legally possible. The Mission is of the opinion that competing through ideas and providing the Liberian voters with a real choice between different political options at the polls is a more constructive and desirable contribution to the consolidation of democracy and the building of a civic culture in Liberia than to call for people to abstain from participating in the choosing of their leaders.

The Mission noted with concern the CDC decision to hold an electoral public demonstration on a day that was prescribed to be campaign free, under the applicable code of conduct and in the midst of a politically tense atmosphere. Furthermore, it also noted with concern what appears to have been the use of disproportionate force by the Liberian National Police in the handling of the demonstration. The Mission regrets the loss of innocent lives during those incidents, and calls for a thorough investigation of matter.

The Mission notes that in the interest of democratic consolidation in Liberia the respect for fundamental freedoms must be strengthened, at the same time that the enjoyment of fundamental rights must be accompanied by strong ethical principles and the repudiation of hate and inflammatory speech. A free media is indispensable to achieving this goal.

The political dynamics of the 2011 electoral process highlighted the fact that Liberia still faces serious challenges to democracy building and national reconciliation. The Mission calls upon the Liberian leadership and politicians and the Liberian people in general to take bold steps towards a genuine national dialogue about the country's future and the construction of a united Liberian nation.

EISA will produce a final, more comprehensive report on the entire election process within three months. The final report will provide an in-depth analysis, detailed observations and recommendations. EISA will therefore

continue to follow the process to completion, including the announcement of the final run-off results. The findings and recommendations presented by EISA in its preliminary statement after the first round still remain valid for future electoral processes in Liberia.

On behalf of the EISA Election Observer Mission, we take this opportunity to extend our gratitude to the people of Liberia for the warm welcome and hospitality given to us. We also congratulate the people of Liberia for their courage and determination to participate in the electoral process despite all its challenges. We acknowledge and appreciate the hospitable, courteous and friendly manner in which the leadership and staff of the National Elections Commission of Liberia received our Mission.

Thank you.

Justice Irene C. Mambilima
EISA EOM Mission Leader
10 November 2011

Appendix 9

2011 election timetable



Republic of Liberia

NATIONAL ELECTIONS COMMISSION (NEC)



KEY ELECTORAL DATES FOR Referendum and ELECTIONS 2011
Referendum Day- August 23, 2011 and Election Day-October 11, 2011

Date	Activity
January 10 - February 12, 2011	VOTER REGISTRATION
February 28, 2011	Referendum Regulations published
March 16, 2011	Issuance of Writ of Referendum
April 05, 2011	Civic & Voter Education on Referendum Launched
April 07-11, 2011	EXHIBITION (Claims and Objections) OF PROVISIONAL REGISTRATION ROLL (voters List)
April 20, 2011	Deadline for Accreditation of Campaign Committees for Referendum
April 20 - 22, 2011	Determination of Claims and Objections
May 1 - August 21	Referendum Campaign Period
May 09, 2011	Issuance of Writ of Presidential and Legislative Elections
May 10, 2011	Civic & Voter Education on Elections Launched
May 10 - May 25, 2011	Public Consultation on Electoral Districts
June 13, 2011 - June 27, 2011	Voters' Registration Card Replacement Period
June 25, 2011	Publishing of Final Electoral Boundaries
July 5 - October 9, 2011	POLITICAL CAMPAIGN PERIOD
July 9, 2011 - August 15, 2011	Accreditation of Observers, Party Agents and Media for Referendum
July 16 - July 19, 2011	Launch of Candidate Nomination (Collecting application forms from NEC)
July 20 - August 15, 2011	CANDIDATE NOMINATION
August 22, 2011	Provisional List of Candidates Published
August 23, 2011	REFERENDUM DAY
September 07, 2011	Announcement of Referendum Results
September 10, 2011	Final list of Candidates published
September 1, 2011 - September 20, 2011	Accreditation of Observers, Party Agents and Media for Elections
October 11, 2011	ELECTION DAY
October 26, 2011	Announcement of Final Results of Elections
November 08, 2011	Possible Run off Elections

Note - Calendar is subject to adjustments by the Board of Commissioners

Appendix 10
Official Referendum Results



Republic of Liberia
National Elections Commission

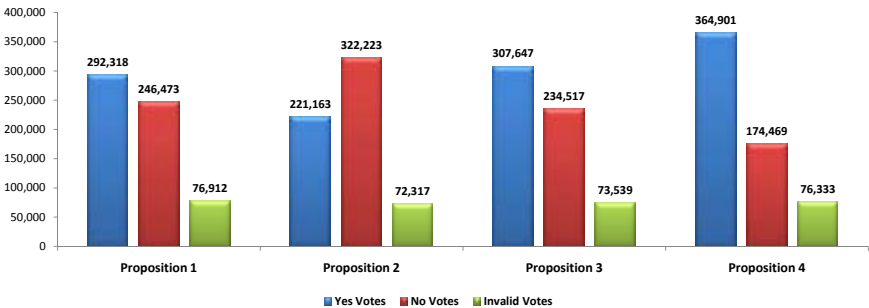


National Referendum Results

as of 16 Sep 2011 4:00 p

4,457 of 4,457 Polling Places Reported

Ballot Question	"YES" Votes	"NO" Votes	Invalid Votes	Total Votes	Threshold for Proposition to Pass (as per the ruling of the Supreme Court)
Proposition 1 Amendment to Article 52(c)	292,318	246,473	76,912	615,703	359,194
Proposition 2 Amendment to Article 72(b)	221,163	322,223	72,317	615,703	362,257
Proposition 3 Amendment to Article 83(a)	307,647	234,517	73,539	615,703	361,443
Proposition 4 Amendment to Article 83(b)	364,901	174,469	76,333	615,703	359,580



* Proposition 4, Yes Votes meets the required 2/3 votes.

Appendix II (a)

Official Presidential election results, first round, 11 October



Republic of Liberia
NATIONAL ELECTIONS COMMISSION



Presidential and Vice-Presidential Elections (Votes Order)

11 October 2011 Presidential and Legislative Final Elections Results 25 Oct 2011 5:00 PM

4,457 of 4,457 Polling Places Reported

Presidential Candidate	Vice-Presidential Candidate	Political Party	Votes	%
JOHNSON-SIRLEAF, Ellen	BOAKAI, Joseph Nyema	Unity Party (UP)	530,020	43.9%
TUBMAN, Winston A.	WEAH, George Manneh	Congress for Democratic Change (CDC)	394,370	32.7%
JOHNSON, Prince Yormie	SUPUWOOD, James Laveli	National Union for Democratic Progress (NUDP)	139,786	11.6%
BRUMSKINE, Charles Walker	SIAKOR, Franklin O.	Liberty Party (LP)	65,800	5.5%
SANDY, Kennedy Gbleyah	WOLLOH, Alloysious Dennis	Liberia Transformation Party (LTP)	13,612	1.1%
BEYAN, Gladys G. Y.	DESHIELD, Edward G.	Grassroot Democratic Party of Liberia (GDPL)	12,740	1.1%
TIPOTEH, Togba-Nah	MARSH, J. Rudolph	Freedom Alliance Party of Liberia (FAPL)	7,659	0.6%
MAYSON, Dew Tuan-Wieh	WOLOKOLLIE, Dusty	National Democratic Coalition (NDC)	5,819	0.5%
NDEBE, Manjergie Cecelia	ZUBAH, Zizi Kolubah	Liberia Reconstruction Party (LRP)	5,746	0.5%
FREEMAN, Simeon	CROMAH, Cyrus	Movement for Progressive Change (MPC)	5,559	0.5%
JONES, Marcus Roland	BORBOR, Monica Dokie	Victory for Change Party (VCP)	5,305	0.4%
GUSEH, James Sawalla	GEORGE, Lawrence A.	Citizens Unification Party (CUP)	5,025	0.4%
ZOE, Hananiah	FLOMO, Richard K.	Liberia Empowerment Party (LEP)	4,463	0.4%
CHEAPOO, SR., Chea Job	TARWAY, Jeremiah	Progressive People's Party (PPP)	4,085	0.3%
CHELLEY, James Kpa	WOAH-TEE, Jerry Kollie	Original Congress Party of Liberia (OCPOL)	4,008	0.3%
MASON, Jonathan A.	SANDO, Jemeon Alphonso	Union of Liberian Democrats (ULD)	2,645	0.2%
<i>Total Valid Votes</i>			1,206,642	100.0%
<i>Invalid Votes *</i>			82,074	
<i>Total Votes</i>			1,288,716	

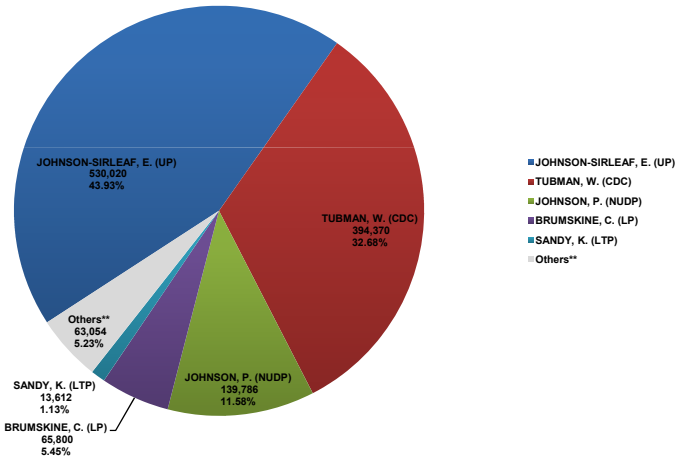
* Invalid votes account for 6.4% of total votes.



Republic of Liberia
NATIONAL ELECTIONS COMMISSION



Presidential and Vice-Presidential Elections (Leading Five)
11 October 2011 Presidential and Legislative Final Elections Results 25 Oct 2011 5:00 PM
4,457 of 4,457 Polling Places Reported



** Others includes all candidates with less than 1.13% of the total valid votes.

Appendix II (b)

Official Presidential election results, Second Round, 8 November



Republic of Liberia
NATIONAL ELECTIONS COMMISSION



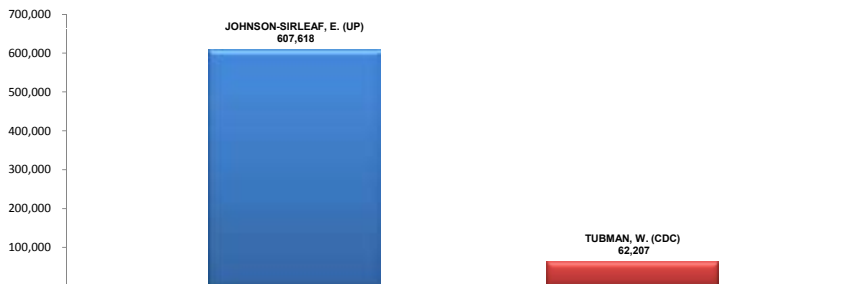
Presidential and Vice-Presidential Run-Off Election

08 November 2011 Run-Off Election Final Results of the President and Vice-President 15 Nov 2011 5:00 PM

4,457 of 4,457 Polling Places Reported

Presidential Candidate	Vice-Presidential Candidate	Political Party	Votes	%
JOHNSON-SIRLEAF, Ellen	BOAKAI, Joseph Nyema	Unity Party (UP)	607,618	90.7%
TUBMAN, Winston A.	WEAH, George Manneh	Congress for Democratic Change (CDC)	62,207	9.3%
<i>Total Valid Votes</i>			669,825	100.0%
<i>Invalid Votes *</i>			24,587	
<i>Total Votes</i>			694,412	

** Invalid votes account for 3.5% of total votes.*



Endnotes

- 1 See Appendix 1-3 Composition of EISA Missions.
- 2 PEMMO is an election assessment tool developed under the auspices of EISA and the Electoral Commissions Forum of SADC Countries (ECF). It outlines standards and best practices for the conduct and assessment of elections. EISA has used PEMMO as an assessment tool in over 15 elections since 2004.
- 3 See Appendices 7 and 8 for preliminary statements.
- 4 A term used to refer to descendants of freed slaves who resettled in Liberia.
- 5 Information obtained from <http://www.state.gov/r/pa/ei/bgn/6618.htm> and Veronica Nmona (1997) 'The Civil War and the Refugee Crisis in Liberia' *Journal of Conflict Studies* 17 (1), accessed online <http://journals.hil.unb.ca/index.php/JCS/article/viewArticle/11734/12489>
- 6 F.P.M. van der Kraaij (1983) *The Open Door Policy of Liberia: A Modern Economic History of Liberia 1847-1977*. Accessed online: [http://www.liberiapastandpresent.org/OpenDoorPolicy.htm#19th century - conquest and colonisation](http://www.liberiapastandpresent.org/OpenDoorPolicy.htm#19th%20century%20-%20conquest%20and%20colonisation).
- 7 Nimba County is located in the north-eastern part of Liberia. It is inhabited by three major ethnic groups, namely: the Gio, Mano and Mandingo. There was already existing strife between the groups, because the Gio and Mano viewed the Mandingo as settlers from Guinea.
- 8 Conteh-Morgan E, and Kadivar S. (1995) 'Ethnopolitical Violence in the Liberian Civil War.' *Journal of Conflict Studies* 15(1). Accessed online <http://www.lib.unb.ca/Texts/JCS/SPR95/conteh-morgan.pdf>
- 9 Prince Johnson is from Nimba County.
- 10 What was the Liberian army had now become Doe's army constituted mainly by persons of Krahn and Mandingo origin.
- 11 ECOMOG was a military force composed of soldiers from ECOWAS member states.
- 12 The LNTG comprised representatives of ULIMO, IGNU and NPFL.
- 13 See Pham. Peter, (2006) 'Reinventing Liberia: Civil Society, Governance and a Nation's Post war Recovery'. *The International Journal of Not-for-profit Law* 8(2). Accessed online http://www.icnl.org/knowledge/ijnlvol8iss2/art_2.htm
- 14 A political party that was an offshoot of the NPFL.
- 15 For details of these elections and referenda, see <http://africanelections.tripod.com/lr.html>
- 16 <http://africanelections.tripod.com/lr.html>
- 17 An INPFL member and, later, the leader of the Mandingo faction of the ULIMO.
- 18 Figures obtained from the NEC website: <http://www.necliberia.org/results/>

- 19 Liberia: How Sustainable is the Recovery? Crisis Group Africa Report No, 177. 19 August 2011
- 20 A national referendum, general elections and run-off elections.
- 21 See Table 6 for a list of electoral districts and the distribution of seats.
- 22 The total number of registered voters in each county divided by the total number of House seats in that county.
- 23 Section 1, Subsection (a) of the Joint Resolution LEG-002 (2010) of the Senate and House of Representatives of the 52nd Legislature.
- 24 An NGO working on press freedom and media professionalism in Liberia.
- 25 A civil society coalition on elections in Liberia.
- 26 The EISA team observed that voting booths were available in polling places in Monrovia, while polling places outside the capital were equipped with voting screens. Voting screens were pieces of black fabric tied to a corner of the polling place behind which a voter marked the ballot.
- 27 See Table 8 for an indication of voter turnout and the results of the referendum.
- 28 See Appendix 10 for official results of the referendum
- 29 *'Liberia: Party Listings Swell to Twenty-four'*. The Informer <http://allafrica.com/stories/201105021798.html>.
see also <http://www.necliberia.org/other.php?&7d5f44532cbfc489b8db9e12e44eb820=Mjc1>
- 30 See appendix 9 for timetable of the 2011 electoral process in Liberia.
- 31 Figures obtained from the Inter Parliamentary Union www.ipu.org
- 32 Two female presidential candidates and one vice-presidential candidate.
- 33 Liberia General Election Observation Report - West African Women Election Observer Team (WAWEO).
- 34 *'Liberia: 10 Year Clause Killed'* New Democrat 6 October 2011 <http://allafrica.com/stories/201110110701.html>
- 35 As amended after the supreme court judgment on 20 September 2011.
- 36 NEC press release: Liberia: Statement on Boycott from Elections Commission. 7 November 2011. allafrica.com/stories/printable/201111071067.html
- 37 *'At least three dead as police and protesters exchange gunfire hours before presidential runoff boycotted by opposition'* ALJAZEERA <http://english.aljazeera.net/news/Africa/2011/11/20111171433737475.html> *'On eve of election, Liberia protests turn violent'* 7 November 2011. New York Times <http://www.nytimes.com/2011/11/08/world/africa/liberia-protests-turn-violent-on-eve-of-election.html>
- 38 *'Liberia's heated election and fears of media crackdown'* BBC News www.bbc.co.uk/news/world-africa-15551916
'Opposition radio stations shut-sown ahead of Liberia elections' Africa Elections

Project, 8 Nov 2011

<http://myliberiawins.com/liberia/news/page.php?news=6033>

39 See appendix 11 for official results as published by the NEC.

ABOUT EISA



EISA is a non-partisan international non-governmental organisation which was established in 1996. Its core business is to provide technical assistance for capacity building of electoral management bodies, political parties, parliaments, relevant government departments and civil society organisations operating in the democracy and governance fields throughout the African continent.

EISA has been working in Southern African Development Community (SADC) countries since its inception and has now extended its continental outreach. The Institute is providing well appreciated technical assistance and advice to its pan-African (African Union and Pan-African Parliament), regional (e.g. Southern African Development Community and East African Community) and national partners throughout the continent, thus helping to build solid institutional foundations for democracy. This technical assistance includes expert advice on electoral system reforms; election monitoring and observation; constructive conflict management; strengthening of parliaments and selected democratic institutions; strengthening of political parties; capacity building for civil society organisations; and enhancing the institutional capacity of the election management bodies. EISA initiated and was formerly the secretariat of the Electoral Commissions Forum (ECF) composed of all 15 electoral commissions in the SADC region and established in 1998. In parallel, EISA initiated and was the secretariat of the SADC Election Support Network (ESN) comprising election-related national civil society organisations established in 1997. Recently, EISA has expanded its scope of work in North Africa with a short-term field office established in Egypt since November 2011. EISA deployed observer missions to all rounds of the parliamentary election that were held from November 2011 to February 2012

and more recently it deployed missions to the two rounds of the presidential elections and plans to continue working with Egyptian stakeholders in the election, democracy and governance fields

Headquartered in Johannesburg (South Africa), the Institute's current and past field offices include Angola, Burundi, Chad, Côte d'Ivoire, Democratic Republic of Congo, Egypt, Kenya, Madagascar, Mozambique Sudan and Zimbabwe, a reflection of its broader geographical

VISION

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

MISSION

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

STRATEGIC GOALS

- Electoral processes are inclusive, transparent, peaceful and well-managed
- Citizens participate effectively in the democratic process
- Political institutions and processes are democratic and function effectively

CORE ACTIVITIES

Research

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Capacity Building

Election Observation

Election Assistance

Fact-finding and needs assessment missions

Balloting and Election Services

OBSERVER MISSION REPORTS

CODE	TITLE
EOR 1	Mauritius Election Observation Mission Report, 2000
EOR 2	SADC Election Support Network Observer Mission's Report, 1999/2000
EOR 3	Tanzania Elections Observer Mission Report, 2001
EOR 4	Tanzania Gender Observer Mission Report, 2001
EOR 5	Zimbabwe Elections Observer Mission Report, 2001
EOR 6	South African Elections Observer Mission Report, Denis Kadima, 1999
EOR 7	Botswana Elections Observer Mission Report, Denis Kadima, 1999
EOR 8	Namibia Elections Report, Tom Lodge, 1999
EOR 9	Mozambique Elections Observer Mission Report, Denis Kadima, 1999
EOR 10	National & Provincial Election Results: South Africa June 1999
EOR 11	Elections in Swaziland, S. Rule, 1998
EOR 12	Lesotho Election, S. Rule, 1998
EOR 13	EISA Observer Mission Report, Zimbabwe Presidential Election 9-11 March, 2002 (P/C)
EOR 14	EISA Observer Mission Report, South Africa National and Provincial Elections 12-14 April 2004
EOR 15	EISA Observer Mission Report: Malawi Parliamentary and Presidential Elections 20 May 2004
EOR 16	EISA Observer Mission Report, Botswana Parliamentary and Local Government Elections 30 October 2004
EOR 17	EISA Observer Mission Report, Mozambique Parliamentary and Presidential Elections 1-2 December 2004
EOR 18	EISA Observer Mission Report, Namibia Presidential and National Assembly Elections 15-16 November 2004
EOR 19	EISA Observer Mission Report, Mauritius National Assembly Elections 3 July 2005
EOR 20	EISA Observer Mission Report, Tanzania Presidential, National Assembly and Local Government Elections 14 December 2005
EOR 21	EISA Observer Mission Report, The 2005 Constitutional Referendum in the DRC/ Le Référendum Constitutionnel en RDC 18-19 December 2005

- EOB 22 EISA Observer Mission Report, Zanzibar Presidential, House of Representatives and Local Government Elections 30 October 2005
- EOB 23 EISA Observer Mission Report, Zambia Presidential, Parliamentary and Local Government Elections 28 September 2006
- EOB 24 EISA Observer Mission Report, Madagascar Presidential Elections 3 December 2006
- EOB 25 EISA Observer Mission Report, DRC Presidential, Parliamentary and Provincial Elections / Elections Présidentielles, Parlementaires et Provinciales 30 July and 29 October 2006
- EOB 26 EISA Election Observer Mission Report, Lesotho National Assembly Elections 17 February 2007
- EOB 27 EISA Election Observer Mission Report, Madagascar National Assembly Elections 23 September 2007
- EOB 28 EISA Election Observer Mission Report, The Zimbabwe Harmonised Elections of 29 March 2008 Presidential, Parliamentary and Local Government Elections with Postscript on The Presidential Run-off of 27 June 2008 and the Multi-Party Agreement of 15 September 2008
- EOB 29 EISA Election Observer Mission Report, Swaziland House of Assembly Election 19 September 2008
- EOB 30 EISA Election Observer Mission Report, Malawi Presidential and Parliamentary Elections 19 May 2009
- EOB 31 EISA Election Observer Mission Report, Zambia Presidential By-Election 30 October 2008
- EOB 32 EISA Election Observer Mission Report, The Mozambique Presidential, Parliamentary and Provincial Elections of 28 October 2009
- EOB 33 EISA Technical Assessment Team Report, Mauritius National Assembly Elections 5 May 2010
- EOB 34 EISA Technical Observer Team Report, Namibia Presidential and National Assembly Elections 27 and 28 November 2009
- EOB 35 EISA Technical Assessment Team Report, Botswana Parliamentary and Local Government Elections 16 October 2009
- EOB 36 EISA Election Observer Mission Report South Africa, National And Provincial Elections 22 April 2009
- EOB 37 *Mission d'observation de l'élection présidentielle du 27 Juin et du deuxième tour du 07 Novembre 2010 en Guinée*
- EOB 38 EISA Election Observer Mission Report, Zanzibar Presidential, House of Representatives and Local Government Elections of 31 October 2010
- EOB 39 *Rapport Mission d'Observation Electorale : République Centrafricaine Elections Présidentielles et Législatives, 23 Janvier et Mars 2011*

- EOR 40 EISA Technical Assessment Team Report, The 2011 Seychelles Presidential Elections 19-21 May 2011
- EOR 41 EISA Technical Assessment Team Report Uganda, The Ugandan Presidential and Parliamentary Elections of 18 February 2011
- EOR 42 EISA Election Observer Mission Report Zambia, Presidential, Parliamentary and Local Government Elections, 20 September 2011
- EOR 43 EISA Election Witnessing Mission Report, Egypt, The People's Assembly and Shura Council Elections November 2011-February 2012