



LIBERIA

**PRESIDENTIAL & LEGISLATIVE
ELECTIONS**

11 October and 8 November 2005

**EUROPEAN UNION
ELECTION OBSERVATION MISSION**

FINAL REPORT – 3/2/06

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I. EXECUTIVE SUMMARY

The 11 October 2005 presidential and legislative elections and the 8 November 2005 presidential run-off election were peaceful, generally well administered and marked an important step forward in the process of returning Liberia to a normal functioning state. Voters were provided with a wide range of political contestants in a genuinely competitive election process, and in contrast to the elections of 1997 were able to cast their ballots free from fear.

Despite the difficult conditions caused by the destroyed infrastructure and the holding of the elections during the rainy season the electoral authorities made adequate and sufficient arrangements for voters. The public was enthusiastic to exercise its democratic rights in the first elections to be held since 1997. The presence of the United Nations Mission in Liberia (UNMIL) helped to create a feeling of confidence and security among the voters.

The legislative framework provided for the conduct of democratic elections in compliance with international standards. However, a number of issues will need to be addressed in advance of future elections, including the removal of constitutional provisions based on ethnicity that result in unacceptable disenfranchisement according to international standards.

The National Elections Commission (NEC), with the necessary assistance of UNMIL, administered the elections in a professional, transparent and impartial manner. Deadlines were largely met, clear regulations and instructions were produced and election materials were successfully distributed around the country. Nevertheless, there was confusion over a number of issues, and communication between the NEC and political parties could have been better.

Despite some shortcomings, voter registration was widely viewed by election stakeholders to have been conducted successfully with almost twice the number of voters registered to participate as during the 1997 elections. However, for future elections, refugees residing outside the country should have the right and possibility to register to vote.

During the campaign period, fundamental freedoms of expression, assembly and association were respected. Prior to the 11 October election day, political parties and candidates were able to campaign actively in a conducive atmosphere in which no serious acts of violence or intimidation were reported. However, prior to the run-off election, the campaign atmosphere was more tense, and, at times, more negative.

The media operated in an environment that provided for freedom of expression. Radio was by far the most important source of information during the campaign period. During the first round election, the state broadcaster, Eternal Love Broadcasting Corporation (ELBC), provided coverage of almost all parties which was neutral in tone, although the time devoted to some varied considerably. However, for the second round, while ELBC demonstrated a reasonable balance of time allocation between the two contestants in its news coverage, it did not allocate equal airtime to both contestants in its special election programmes. Most other radio stations monitored showed varying degrees of imbalance, both in time and tone, in their coverage of the two contestants.

Notwithstanding the significant voter education initiatives undertaken by NEC, civil society and international organisations, the impact of poverty and illiteracy caused by fourteen years of war was visible during the process, particularly on the 11 October election day when many voters had difficulties understanding voting instructions and ballot papers. However, election officials and voters worked together, mostly in a correct manner, to overcome the problems that this caused. Significant further efforts will be required in civic and voter education in the years ahead, particularly through primary education and anti-illiteracy campaigns.

During both election days, voters turned out in impressive numbers, in a calm and orderly manner. Polling procedures were largely well followed and the secrecy of the vote was generally well maintained. In a positive development, the NEC corrected a number of shortcomings brought to its attention following the first round particularly in regard to assistance to voters. Party and candidate representatives were present in virtually all polling places visited by EU observers, on both election days, often in large numbers. Domestic observers were present in approximately 60 per cent of polling stations visited by EU observers and made a positive contribution to the transparency of the election process.

While the tallying process for the first round of the elections was confused in most counties, only one example of intentional fraud was confirmed, following appropriate investigation by the NEC. The tallying process for the second round was organised in a more efficient manner. Results of both rounds were announced in a timely and transparent manner. While the candidate elected as president is a woman, only five out of 30 Senators and eight out of 64 Members of the House of Representatives are women, continuing the under-representation of women to these legislative bodies.

After the first round only one post-election complaint decision was announced within the stipulated timeframe, however, proceedings were generally conducted with due regard to the rule of law. Following the presidential election run-off, a number of complaints were filed, almost exclusively by the Congress for Democratic Change (CDC), which alleged that fraud was the cause of its candidate's defeat in the run-off. On 16 December, the NEC dismissed the charges of electoral fraud brought by the CDC. After initially stating that it would appeal this decision to the Supreme Court, on 21 December, the CDC dropped its legal challenge against the decision of the NEC.

The new government must give priority to starting an active reconciliation process, in accordance with the Comprehensive Peace Agreement (CPA) truth and reconciliation procedures. The climate of impunity must end and those who stand accused of crimes against humanity must face justice through the courts. Newly elected representatives must not be permitted to misuse immunity provisions to avoid justice for past crimes. The new Government, Senate and House of Representatives must co-operate fully with the international community to ensure that former President Charles Taylor is brought to court.

This report includes a number of recommendations to improve the framework for elections in Liberia. The EU is willing to assist the authorities and civil society of Liberia to continue to

improve its electoral process, and urges Liberia to build on the achievements of the 2005 elections to strengthen and consolidate democracy in the years ahead.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

The EU EOM for the 2005 Presidential, Senatorial and House of Representatives elections was headed by Mr. Max van den Berg, MEP and began work on 9 September 2005 and remained in Liberia until 27 November. Thirty experts and long-term observers were deployed in Monrovia and 12 of the 15 counties of Liberia.

On the 11 October election day the EU EOM was joined by a delegation from European Parliament, led by Ms. Marie Ariette Carlotti MEP. Some 61 observers were deployed on election day. For the 8 November election day some 51 observers were deployed. On each of the two election days, observers visited some 300 polling places out of the 3,070 polling places in the country.

The EU EOM expresses its appreciation to the NEC, UNMIL and other authorities and civil society organizations, as well as embassies and international organizations in the Republic of Liberia for their assistance and co-operation during the observation mission.

III. BACKGROUND

The 2005 elections were the first to be held since 1997 when Charles Taylor was elected. Following a civil war, he resigned as President on 11 August 2003 and went into exile to Nigeria. A Comprehensive Peace Agreement (CPA) was signed on 18 August 2003. Under Resolution 1509 of 19 September 2003, the United Nations Security Council decided to establish the United Nations Mission to Liberia (UNMIL), with a stabilisation force of 15,000. Under the CPA, an “all inclusive” transitional government, the National Transitional Government of Liberia (NTGL) was established, with a mandate to prepare the ground for democratic presidential and legislative elections by October 2005, and to bring Liberia back to a normally functioning state. The CPA required an elected government to be installed by January 2006.

In the 2005 elections the Liberian people elected the President and Vice-President, the Senate and the House of Representatives (HoR). The President and Vice President were elected by a qualified majority of 50% plus one vote. Since none of the 22 presidential candidates achieved this result in the first round a run-off election for the two leading candidates from the first round was held on 8 November. The winner of the presidential election, Ellen Johnson-Sirleaf became Liberia’s 23rd President and Africa’s first democratically elected woman President when she was inaugurated on 16 January 2006.

Each of the 15 Counties of Liberia has two seats in the Senate and the 30 Senators were elected in a simple majoritarian election. The Senatorial candidates with the most votes became Senior Senators for a nine year term and the second ranked Senatorial candidates became Junior Senators for a six year term. The seats for the HoR have been allocated according to a mixed

system of representation. Each of the 15 Counties received a minimum of two seats. The remaining 34 seats were allocated according to the number of registered voters. The system was chosen as part of a compromise between the National Transitional Legislative Assembly (NTLA) and NEC/UNMIL to balance the over-representation of Montserrado. Each County was divided into an identical number of artificial electoral districts. Each electoral district within a County had approximately the same number of registered voters. In each of the 64 electoral districts, one Representative for the HoR was elected in a simple majoritarian system.

IV. LEGAL FRAMEWORK

Under the CPA, all parties agreed on the need for an extra-constitutional arrangement that would facilitate the formation of the National Transitional Government of Liberia (NTGL) and the establishment and proper functioning of the entire transitional arrangement. Therefore, all provisions of the Constitution relating to the establishment, composition and powers of the executive, legislative and judicial branches of government were suspended, along with relevant provisions of statutes and other laws that were inconsistent with the provisions of the CPA, until the inauguration of the new, elected government, in January 2006.

In addition to the CPA, the 2005 elections were regulated by the 1984 Constitution, the 1986 Election Law and the 2004 Electoral Reform Law, as well as regulations issued by the NEC. This legislative framework provides for the conduct of democratic elections. However, a number of issues will need to be addressed in advance of future elections, including removal of provisions based on ethnicity that result in disenfranchisement and are contrary to international standards for democratic elections. Regrettably, the 335,500 refugees residing outside of the country were deprived the opportunity to participate in these elections. In future they should be provided with the possibility of registering to vote.

The 2004 electoral law based on the CPA set aside some of the items in the Constitution and in the 1986 electoral law but left most of the content unchanged. CPA was also the basis for NEC regulations and guidelines. Nevertheless the CPA allowed the implementing authorities to deviate from those amendments and all the other election related rules if they in any sense would be considered inconsistent with the provisions in the CPA, leaving the issue to the outcome of mediation under CPA. Leading actors, national and international, even indicated that they accepted that the implementing agencies could ignore rulings from the Supreme Court on election matters appealed to it in compliance with the constitution, CPA and by NEC adopted regulations, claiming that compliance would endanger peace and stability established under CPA.

Shortly before the elections, the Supreme Court issued decisions regarding two appeals against NEC rulings. In the first, the court ruled that voters could mark two choices on their ballot papers concerning candidates for the Senate. This decision was implemented belatedly by the NEC. In the second case, the court ruled that the names of three additional candidates should be placed on the ballot papers, two for President/Vice President and one for the HoR. Implementation of this decision could have potentially jeopardised the electoral timetable that is provided in the CPA. The potential conflict between the results of the court's decision and the timetable was removed as consequence of the candidates announcing through the media their

withdrawal from the elections, which was done in part as a result of the mediation mechanism provided in the CPA.

V. ELECTION ADMINISTRATION

While the 2003 Comprehensive Peace Agreement (CPA) calls for “internationally supervised elections” that are jointly conducted, monitored and supervised by the international community, ultimately, in line with UN Security Council Resolution 1509, the 2005 elections were administered by a reconstituted NEC, tasked by the CPA to ensure “that the rights and interests of all Liberians are guaranteed, and that the elections are organized in a manner that is acceptable to all.”

The NEC was established as an autonomous public commission by the 1984 Constitution. The CPA called for the reconstitution of an independent commission. While there was a clear desire on the part of the NEC to conduct the elections in line with international principles for genuine democratic elections, its members generally lacked significant previous experience in the organisation of elections. To address this, the NEC received considerable technical and logistical support from UNMIL, USAID (IFES) and the European Commission. While co-ordination of UNMIL assistance was initially poor, it subsequently improved and UNMIL undertook most of the huge logistical support needed for the conduct of the elections.

The seven members of the NEC, and the Executive Director, were nominated by Gyude Bryant, the Chairman of the NTGL, screened by the NTLA and eventually appointed by the NTGL Chair on 29 April 2004. The HQ of the NEC was in Monrovia, Liberia, and the NEC had 18 offices in the 15 counties which were headed by a Magistrate of Elections, who reported directly to the Executive Director.

The NEC which administered a budget of US\$ 18,9 million for the election divided the responsibility for the counties among themselves as follows: Chairman Cllr. Frances Johnson-Morris (Montserrado, Margibi); Co-Chairman Hon. James Fromayan (Grand Gedeh, Sinoe); Hon. Mary Brownell (Lofa, Gbarpolu); Hon. James K. Chelley (Bomi, Grand Cape Mount); Cllr. Karmo Soko Sackor (Grand Bassa, River Cess); Cllr. Elisabeth Boyenneh (Bong, Nimba) and Hon. Jonathan Weedor (Maryland, Grand Kru, River Gee).

The final number of Voting Precincts (VP) was 1,421 and the number of Polling Places (PP) was 3,070. Most of the VPs were located in the same place as the earlier voter registration centres. A total of 284 VPs were rated as inaccessible meaning that it took up to 3 to 4 days to get the results and polling materials from the VPs to the Magistrates. These VPs, where around 10% of the electorate (130,000 voters) were registered to cast their vote, were accessible by neither road or by air.

The NEC employed 105 Election Supervisors on the ground which teamed up with 105 UNMIL Election Support Officers and covered 10 to 15 VPs each. The recruitment of almost 19,000 polling staff in the first round and 16,500 in the second round was performed by UNMIL with most of the 4,000 Voter Registration Officers appointed as presiding officers.

Voter Registration

Voter registration took place between 25 April and 25 May 2005. In total, 1,352,730 Liberians were registered, approximately twice the number that had registered to vote in the 1997 elections. A replacement voter card programme, conducted between 17 and 30 September, resulted in 4,692 replacement cards being issued.

According to the national observer umbrella organisation National Committee for Election Monitoring (NACEM) that monitored the registration process a number of violent incidents occurred during the registration process. The majority of these reported incidents were in Montserrado County, with others reported in Bong, Lofa, Nimba and Sinoe Counties. Ex-combatants were the instigators of some incidents, holding up registration in Bong and Nimba counties to demonstrate against the government and demanding payment of monies promised to them. Other incidents occurred in Lofa and Montserrado as a result of controversies surrounding the eligibility of returnees.

A total of 61,196 of the 140,000 Internally Displaced Persons (IDPs) living in formal camps in Liberia registered to vote. Of those who registered, 71% opted to register to vote in the county of their origin. Ultimately, some 30,000 were not repatriated to these areas before election day and while the NEC adopted a regulation that enabled these IDPs to vote in the Presidential election at their IDP camp they were deprived of the possibility to vote in the Senatorial and HoR elections.

It is estimated that approximately 10% of the population in Liberia had not registered. Either they were not able to register during the registration period because walking distances to registration centres in some cases were too long or, as in the case of one village in Margibi county, were simply unaware of the registration process as they had not been reached by NEC and only “discovered” after the elections.

However, despite these shortcomings the general view, including among political parties, is that the registration exercise was credible and successful.

Political Party Registration

According to the detailed specifications of the constitution (Art. 78,79) a political party should be an association with a membership of not less than five hundred qualified voters in each of at least six Counties. Established political parties were not asked to update their membership lists and could forward their nominations without scrutiny of their membership base.

However, to register as a new political party; the NEC decided that a minimum of 500 members in 12 Counties were required. Lists of members who had to be eligible voters were requested to be handed in by April 11 2005. Approximately 30 political parties announced their intention to apply but in the end only 15 managed to apply. Of these, 12 were approved by NEC and three were turned down.

Civil society organisations raised concern about the quality of applications of political parties and lodged an official complaint with the NEC concerning the faulty application of the CDC. However, the NEC approved the registration of the CDC and asked for some minor changes in its application. Also, according to civil society organisations, other newly registered political parties may not have been able to provide correct lists of the requested 12,000 eligible voters required since the NEC did not scrutinize whether those names listed corresponded with eligible voters in Liberia. Political parties were only asked to publish the lists in local newspapers and NEC posted the lists at their HQ for public scrutiny. According to the results of the presidential election on 11 October, seven out of the 11 candidates of political parties who received less than 12,000 votes were candidates of newly registered political parties. These results give evidence that the support base of those newly registered political parties are below the threshold of 12,000 members.

All accepted political parties and alliances were allowed to present one candidate for the Presidential/ Vice Presidential elections, one candidate for each of the 64 House of Representative elections and two candidates for the Senatorial elections in each of the 15 Counties.

Candidate nomination

On 13 August, the NEC approved a total of 762 candidates, of which only 14% were women. The official candidate list included 22 contenders for president, 22 for vice president, 206 for the Senate's 30 seats and 512 for the HoR's 64 seats. The Commission rejected five independent presidential aspirants, three vice presidential nominees and nine contenders for the HoR, for failing to fulfil nomination requirements – mainly the requisite number of registered voters' signatures.

A number of aspirant candidates complained that the requirements to submit nomination applications to the NEC office in Monrovia put independent candidates at a disadvantage. Independent nominees for the Legislature faced difficulties, especially in remote electoral districts and small Counties, due to the general requirement to collect 500 signatures from one County for the candidature for the Senate and 300 signatures from one electoral district for the candidature for the House of Representatives. Furthermore, the high registration fees were a particular burden on women. A presidential nominee had to pay a non refundable nomination fee of 2500US\$, a nominee for the Senate US\$750 and a nominee for the House of Representatives US\$500. Each registered political party or alliance could therefore present a total of 96 candidates paying a total of US\$58,500 to NEC. COTOL with 94, LP with 93, UP with 87 and CDC with 85 nominated candidates were the biggest parties/ alliances in the 2005 elections.

The rejected independent Presidential candidate Cllr. Marcus Jones together with four other independent candidates appealed against the NEC rejection at the Supreme Court. On 27 September, the Supreme Court ruled against the NEC and allowed the candidates seven days to hand in their corrected application to the NEC. On 5 October; after a long period of uncertainty, Marcus Jones finally declared, via radio his withdrawal following international intervention by the ICGL and the CPA Mediator for Liberia, General Abubakar. Jones's withdrawal enabled the NEC finally to stay within the rule of law of the country and the elections went ahead as planned

on 11 October. On 26 October the NTGL announced publicly that “it was agreed that ECOWAS and the NTGL would equally share contributions to the cost Mr. Jones et al had incurred, Government’s share of US\$150,000 was turned over to ECOWAS.” This public statement by NTGL confirmed the worrying fact that Cllr. Jones was promised a major payment in return for his decision not to run for the presidency.

Of the candidates approved by the NEC, presidential aspirant George Weah of the CDC and vice presidential aspirant Marcus Dahn of the Alliance for Peace and Democracy (APD) were threatened with ineligibility due to questions arising concerning their alleged dual nationality status. The NEC ruled that the evidence presented by complainants was insufficient to prove the allegations, and the initial complaints were dismissed.

First Round

The first round elections were generally well administered with deadlines largely being met. Clear regulations and instructions were prepared and training was generally well conducted. Election materials were successfully distributed throughout the country in advance of election day. The NEC generally acted transparently, communicating well with the electorate via radio and maintaining an informative internet site. However, there was confusion over a number of issues, in particular concerning the number of ballot papers that had been printed. With the exception of the working meetings of the NEC, international and domestic observers were provided with good access to all levels of the election administration.

While political parties and candidates generally expressed confidence in the NEC and satisfaction with its overall performance, communication between the NEC and political parties could have been better. Inter-Party Co-ordination Committee (IPCC) meetings, designed to be a monthly consultation between the NEC and political parties were not held as regularly as planned, were less consultative than had been anticipated, and initially did not involve the participation of independent candidates.

Second Round

The NEC administered the presidential run-off election in a professional and impartial manner. However, it did not hold regular meetings, relying instead on decisions to be made by the Chairperson, and considerable support was required from UNMIL to ensure that the process remained on track. In a positive development, the NEC corrected a number of technical shortcomings brought to its attention by the EU EOM after the first round.

Following representations made by the EU EOM and other observer organisations, a NEC provision reducing the number of polling staff at each polling place from six to four for the run-off election was amended through the addition of another polling staff member, removing the need for the presiding officer to also be the queue controller.

The NEC organised an IPCC meeting before the run-off election. Regrettably, George Weah, who publicly questioned the results of the 11 October elections, did not send a representative to the meeting, thereby reducing the inclusiveness of the consultative process.

Despite the NEC forcefully reminding parties and candidates that failure to submit the Annual Financial Reports of Parties and Alliances as well as the two Campaign Financial Reports would compel the NEC to institute appropriate measures stipulated for non-compliance, only 136 out of 762 candidates submitted reports by the extended deadline 25 October. One of the two candidates in the presidential run-off election, Ellen Johnson-Sirleaf was among those who failed to submit a first return by 25 October, claiming that the regulations and procedures were too advanced for Liberia. She later filed a first return.

Severe financial irregularities concerning the payment of polling staff occurred in Grand Bassa County which led to UN CIVPOL/Liberia National Police (LNP) investigations and to the arrest of one NEC Election Supervisor. By 4 November, polling staff in Grand Bassa County had not received their 11 October elections US\$5 food stipend from the Magistrate and his Election Supervisors. The polling staff threatened a boycott of the run-off election and accused the NEC staff of corruption. Due to pressure by UNMIL, funds were disbursed, albeit unsystematically and with insufficient records. Lack of swift and decisive action on the part of the NEC to address this issue led to the creation of unnecessary distrust between Election Support Officers (ESOs), Election Supervisors and polling staff.

Grand Bassa County Magistrate Jackson, who on several occasions made contradictory statements to the EU EOM, also denied that he had received funds for the run-off election, although UNMIL confirmed to the EU EOM that polling staff should have been paid by the Magistrate for the 8 November elections. Besides the apparent problem that polling staff might not have received their payments at all, or only partly, it is not known who received how much money from the US\$8,000 which was transferred to the Magistrate. The EU EOM was also informed of allegations that some NEC staff in Grand Bassa distributed application forms for Registration Officers only against receipt of financial contributions from interested candidates. From the beginning of the mission, the EU EOM was aware of the problems in Grand Bassa County and did not understand why the UNMIL Electoral Division and the NEC did not take more decisive action against an obviously untrustworthy and unreliable Magistrate.

Issuing of Results

The NEC released the preliminary and final results of both the first and second round elections in a professional and transparent manner at well attended daily press conferences. These included lively question and answer sessions, which were an important instrument for clarification. Results were published on the NEC website and made available at the data centre in a timely and transparent manner. All parties, candidates and observers had the possibility to counter check the results with their own findings and result forms.

VI. THE ELECTION CAMPAIGN

The official campaign period commenced 15 August when the final list of candidates was published by the NEC. Prior to the start of the campaign, a code of conduct, Liberia's first ever, which called on political parties to conduct campaigns that were free of violence, intimidation and manipulation was agreed and all political parties confirmed their commitment to the code.

First Round

The first round election campaign was conducted in a positive atmosphere, with no reports of restrictions on freedoms of expression, assembly and association or serious intimidation of candidates or voters. In a hopeful sign for the future of the country, the Liberian population participated enthusiastically in the process, demonstrating widespread interest in the election process. Most political party and candidate platforms were only belatedly made available to the electorate. The widespread use of posters, banners and T-shirts was evidence of a highly competitive campaign.

Particularly in the capital, there was a high level of public debate throughout the campaign period. A number of competing large rallies were held in Monrovia during the final days of the campaign period. Despite the resulting intermingling of rival supporters these passed off peacefully and in good spirit. Besides rallies, the political campaign strategy of many candidates consisted of holding small village meetings and house-to-house visits. As a result of the poor transport infrastructure in the country, candidates were unable to visit remote areas during the campaign. In these areas, the main way of reaching out to the electorate was through community based radio stations.

EU EOM observers witnessed isolated examples of abuse of state resources, and further reports of this activity (particularly use of government vehicles) were received from civil society organisations involved in monitoring the campaign period. Reports were also received of money and goods being distributed at political rallies and to local communities in an attempt to induce support. Insufficient steps were taken by the NEC or any other authorities to address these problems. Although the law requires that political contestants disclose the funding and spending of their campaigns, this had not been enforced by the NEC prior to election day.

Second Round

The election campaign continued to be conducted in a peaceful manner, despite some minor incidents in Monrovia and Gharnga, and a somewhat more tense, and, at times more negative, campaign atmosphere. No reports of restrictions on freedoms of expression, assembly and association were received and citizens were able to participate freely in the process.

In contrast to the campaign prior to the first round, few large rallies were held in the run up to voting, with the two candidates instead preferring to concentrate on targeting voters through door-to-door campaigning. Fewer campaign materials, such as posters and banners were in

evidence. As a result of co-ordination between the two campaigns, the holding of rallies and campaign activities in close proximity was avoided, thereby assisting the peaceful nature of the campaign.

On 2 November, during a live broadcast on UNMIL radio, George Weah questioned the accuracy of the results of the 11 October elections. In addition to his remarks being unsubstantiated, no complaints were lodged with the NEC either by himself or his party in this regard.

Government vehicles were observed being used as part of the campaign for George Weah in Monrovia. In Buchanan, the Minister of Gender used a women voter's mobilisation meeting to encourage women to vote for Ellen Johnson-Sirleaf, while in Gbanga, the same Minister and other officials attended the UP rally that was addressed by Ellen Johnson-Sirleaf.

VII. THE MEDIA

Background to the Media in Liberia

Radio is the main source of news in Liberia. Whilst newspapers and local TV stations exist, their coverage and influence are limited. With the exception of community radio stations, local media barely exists outside Monrovia, resulting in very limited access to public information for a majority of the Liberian population.

Fourteen years of civil war left most local media in a difficult situation, trying to obtain financial resources not only to produce their news but also to pay staff and to purchase generators and fuel to keep radio/TV stations and newspapers operative. Under such circumstances, the acceptance of money or transport support to cover political activities is a common practice in Liberia. Clearly, such practices can jeopardize the neutrality of the media.

The media in Liberia operate under a weak legal framework with Chapter III, Article 15 (freedom of speech and freedom on the press) of the national Constitution being the only regulation. The continuing validity of Decree 46, dated 22 June 1981 and created by a previous military regime, which established the Ministry of Information potentially makes the media environment vulnerable. The decree gives authority to the Ministry of Information, amongst other tasks, to ban publication or distribution of newspapers, screen and accredit all foreign journalists arriving in the country and censor all films for television imported into Liberia. However, as a result of the CPA, freedom of expression in Liberia has been guaranteed for the last two years and, contrary to previous administrations, no radio station or newspaper has been shut down in the country.

Prior to the start of the elections, the Ministry of Information, Culture and Tourism (MICAT) and the NEC agreed on procedures to be applied by the broadcast media to guarantee that political contestants were provided with equal access during the campaign period. In a welcome development, which aimed to encourage accurate, impartial and professional reporting, the Press Union of Liberia (PUL) established an Election Coverage Code of Conduct for its membership. Only two local radio stations, ELBC and Star Radio, and UNMIL Radio formally signed to the

procedures; nevertheless, the measure contributed to the presence of candidates on other radio stations

Media Monitoring

The EU EOM monitored news and political coverage of the electoral process in order to assess whether parties and candidates gained fair access to local media and whether the media abided by the rules and regulations covering their conduct during the campaign.

A media monitoring unit with five media monitors started operating on 19 September. In total EU EOM monitored 14 media outlets: six radio stations (ELBC, Star Radio, DC 101, King's FM, Radio Veritas and Power FM), three TV stations (CLAR TV, DC TV and Power TV) and five newspapers (The Daily Observer, The Inquirer, Heritage, The News and The Analyst). During the run-off campaign two of the TV stations monitored (DC TV and Power TV) stopped reporting on the electoral process.

During the campaign period for the 11 October election the PUL Grievances and Ethics Committee investigated complaints relating to professional misconduct by media against some candidates, demanding public apologies in newspapers and radio broadcasts on a number of occasions. However, the PUL also endorsed an agreement between media houses and publishing associations, which requested political parties and independent candidates contesting in the elections to make their manifestos public or risk a media blackout. While the intention of this agreement was to ensure that the population was provided with information about all party platforms, the measure was too drastic and could have limited the access of some parties to the media.

For the 11 October elections, during the monitoring period, the state radio station, ELBC, provided coverage to 20 out of the 22 political contestants. While this coverage was mostly neutral in tone, there was imbalance in the allocation of airtime. The National Patriotic Party (NPP) received the highest amount of airtime (29%) in news and special election programmes, followed by United Party (UP) (25%), the Coalition for the Transformation of Liberia (COTOL) (9%) and the Liberty Party (LP) (8%). The Liberia Equal Rights Party (LERP) and the New Deal Movement (NDM) were the two parties that did not receive airtime during this period.

The radio stations, DC 101 and Radio Veritas, conducted interviews and debates with candidates and political party representatives, and community radio stations provided access to local politicians as well as time for civic and voter education messages.

Local TV stations monitored only provided limited coverage of the campaign, showing clear favouritism to some of the stronger parties, while newspapers monitored provided a broad range of coverage to many of the parties with different degrees of imbalance.

The reduced campaigning activity of the two candidates in the second round prompted some radio stations and newspapers to create news about the candidates rather than report on their campaign activities and political programmes. The tone of such coverage contributed to an

increase of political tension during the campaign. Press reports with ethnic connotations, referring to Nimba County being excluded by an eventual CDC government or linking George Weah to the MODEL ex-rebel group raised the temperature of the political contest.

During the three week period before the second round election day, the PUL officially warned three radio stations, King's FM, Sky FM and Star Radio, and six newspapers, The Chronicle, The Plain Truth, The Forum, The Liberian Express, The Bi-lingual and The New Broom for misconduct and violation of the "Election Coverage Code of Conduct". On several occasions, the NEC and UNMIL had to encourage the media to perform in a more neutral and objective way and contribute towards making the electoral process peaceful. In addition, in response to an increase in "unprofessional and negative" reports on the electoral process, the Minister of Information strongly urged media managers to perform in a more serious and objective manner.

Among the radio stations warned by the PUL was King's FM which, on several occasions, broadcast special programmes during which representatives of the CDC accused the NEC of planning to manipulate the electoral results and cheat their candidate of victory. They warned that such actions by the NEC would be rejected by the Liberian people. These accusations, which were never substantiated or elaborated, had the clear intention of questioning the integrity of the NEC and to spread doubts about the transparency of the process.

For the 8 November run-off election ELBC demonstrated a reasonable balance of airtime allocation between the CDC and UP in its news bulletins, but failed to allocate equal airtime to both contestants in its special election programmes. Of total airtime devoted to the electoral process ELBC gave 66% of coverage to UP and 34% to CDC.

Only the Heritage newspaper, DC 101 and Radio Veritas demonstrated reasonable balance in the amount of time and space allocated to the two contestants and neutrality in the tone of their reporting. The remaining media outlets monitored showed varying degrees of imbalance either in the amount of time and space allocated to the two candidates and/or in the tone of their reporting. In a positive development; throughout the election process, UNMIL radio played an important and constructive role, particularly in regard to voter education.

Following a series of five attacks on journalists from Radio Veritas, The Analyst and the News newspapers covering CDC events, on 16 November the PUL announced a second news blackout against the CDC until such time as the safety of journalists was guaranteed by the CDC. On 17 November, the CDC national Chairman apologised for the attacks, and subsequently the blackout was lifted.

VIII. COMPLAINTS AND APPEALS

The complaints procedure can be divided into two main categories: before and after election day. Before election day, the complaints process was restricted to matters explicitly stated in NEC guidelines and/or regulations, as well as actions or omission by the election authorities that substantially and irreversibly affected the electoral rights of voters, parties or candidates. After Election Day there were two possible types of complaints, one relating to the conduct of the election and the other relating to complaints concerning the final announced results.

First Round

A total of 41 post-election complaints were scheduled for 29 Administrative Hearings over nine days before the NEC Senior Legal Counsel. As a result of the crowded schedule of hearings, the NEC announced only one decision within the 72 hour deadline from the hearing of the complaint.

In general, proceedings were conducted with due regard to the rule of law. Most cases were dismissed on formal grounds, such as non-appearance at the hearing, late submission of the complaint or because they included allegations of criminal offences and therefore fell outside the jurisdiction of the NEC. A number of complaints were dismissed, as they were not submitted on the prescribed complaint form, but in an ordinary letter. In these cases the NEC could have shown greater flexibility and generosity.

In four cases, the complainants offered detailed information on discrepancies between the official results submitted to the respective Magistrate Tally Centre and private compilations by candidates of figures from the polling place count results sheets allegedly posted publicly at respective polling places immediately after counting had been completed. The announced results, however, were in line with the official documents provided through the County Magistrates and were signed by party representatives at both the polling place level and on the county level. The Hearing Officer placed too much reliance on the presence of party representatives and whether they did or did not sign the forms during the counting and tallying, without considering the conditions in either the polling places during the counting or the tallying at the tally centre. A recount is often the only means for the complainant to possibly reach the required level of evidence, if there is not an evident case of fraud.

In one case it was alleged that an elected member of the House of Representatives who failed to meet the requirement of being a registered voter to stand for election fraudulently registered using another registered voter's identity. The NEC ruled in favour of the complainant and nullified the result thereby causing the need for a by-election to be held within 60 days of the announcement of the decision. However, due to a subsequent Supreme Court ruling the by-election scheduled to be held on 30 January 2006 has been postponed indefinitely.

Second Round

After the run-off, seven complaints were filed against polling officials in 12 polling places and one tally centre and three were filed against individuals concerning their conduct on election day. All but one complaint was filed by the CDC, which attempted to prove massive and organised fraud on Election Day, and claimed that such fraud was the reason for the defeat of its candidate in the second round. The complaints included allegations of handling of extra ballots by presiding officers, discovery of pre-marked ballots, influencing of voters, campaigning, unequal access or prevention of access to party representatives and irregularities during counting.

The CDC attempted to obtain a Supreme Court injunction to prevent the NEC from continuing with the tallying of results. However, this request was rejected by the Supreme Court, which

instructed the CDC to use the NEC complaints procedure. On 16 December, the NEC dismissed charges of electoral fraud brought by the CDC, accepting that there had been some errors, but no wilful or intentional acts that would constitute fraud. After initially stating that it would appeal the decision to the Supreme Court, on 21 December, the CDC dropped its legal challenge against the decision of the NEC.

IX. PARTICIPATION OF WOMEN

Women were given the right to vote and run for office in 1946, and there are no legal barriers to participation by women in the political process. However, women have been absent from the political decision-making scene. In 1998, women occupied 8 per cent of legislative seats in the lower house (5/64) and 19 per cent of legislative positions in the upper house (5/26). In the National Transitional Legislative Assembly appointed in 2003, women occupied only 5 per cent of the legislative seats (4/76).

For the 2005 elections an effort was made to enhance the participation of women in the political process through the NEC guidelines relating to the registration of political parties and independent candidates, in which article 15.2 stipulated that each party should ensure that 30% of candidates nominated for public elected office be women. However, this quota was not included in the electoral law and the NEC did not institute sanctions for non compliance with the benchmark. As a consequence, only one, the Labour Party of Liberia (LPL) of the 21 political parties achieved the 30% benchmark. Overall, only 14% of the 762 candidates standing for election were women.

Women continue to be underrepresented in Liberia's new legislature with only five out of 30 new senators and eight out of 64 new members of the House of Representatives being women. However, the lack of a critical mass of women in the legislature is compensated to some degree by the election of Ellen Johnson-Sirleaf, as President. Her election should have a positive impact on public perception of women as politicians and provide a role-model for other females.

After a slow start women began registering in large numbers and slightly exceeded 50% of the registrants in the final voters register. Women's organizations were instrumental in mobilizing, educating and encouraging women to participate in the electoral process. The Ministry of Gender and Development initiated a voter education and mobilization campaign targeted at women with the slogans "wake up early to vote" and "vote or stay poor".

In the electoral administration there was a varied pattern of participation of women. At the top, three of the seven commissioners, including the chairperson were women. However, none of the NEC executive directors nor any of the eighteen election Magistrates and only 3 of 18 county coordinators and 23 of 110 electoral supervisors were women. At the lowest level, the polling places, during the 11 October election 59% of polling places visited had only one or no woman member of staff and for the 8 November the position worsened with 62% of polling places visited having only one or no woman staff member. However, in 26% of the polling places where female staff were observed, the presiding officer was a woman.

Several factors, such as finance, the nomination process by political parties and a lack of confidence, impeded the entry of women into the political elections. Candidates were required to finance their campaign from their own funds. This prevented most women from running as they did not have sufficient personal financial resources to self-fund their campaign. Whilst campaign self-funding is also a problem for male candidates, the limited access that women in Liberia have to economic resources will continue to be an impediment to their equal participation as candidates for public elected office. A number of female candidates interviewed by EU EOM stated they did not feel very confident to speak publicly and had avoided addressing community gatherings.

Political parties played an important role in the political advancement of women as they controlled the nomination of candidates. The number of women candidates they nominated ultimately determined the level of women's representation in the elected bodies since political parties remained the main channel of entry to national legislature. The correlation between the percentage of women candidates and the percentage of women who won an elected office indicates that they did equally well as male candidates. Had political parties nominated 30 per cent of women as candidates, it is very likely that there would have been a higher number of women in the two legislative houses. None of the five independent women candidates that ran in the Senate and HoR elections succeeded in being elected.

X. CIVIL SOCIETY AND DOMESTIC OBSERVERS

Liberia has a vibrant civil society that is playing a central role in building a democratic culture in the country and was involved in all phases of the electoral process. It comprises an extensive range of pro-democracy and human rights organizations, as well as trade unions, business organizations, women groups, religious organisations youth and student groups, professional organizations, diaspora and Liberian refugees groups. Their primary mandates are service-delivery and community development. However, the work of many of these voluntary organisations is restricted due to lack of money and resources, and difficulty in transportation that often make contact with the more rural areas problematic. Most of the pro-democracy and human rights organizations and women's organizations are based in Monrovia.

According to the NEC, 3,452 domestic observers were accredited to observe the recent elections. Most of these observers participated in operations mounted by the National Committee for Elections Monitoring, (NACEM), the Campaign Monitoring Coalition (CMC), and the "EC Bilateral Elections Programme in Liberia". These organisations were able to observe all aspects of the election process, and issued regular reports covering voter registration, media coverage and campaign financing as well as observations of the 11 October and 8 November polling days.

A lack of financial and human resources, combined with transportation and communications difficulties, limited the ability of domestic observers to reach all polling places. However, the presence of domestic observer groups enhanced citizens' confidence in the process as they were seen as being neutral and impartial. Despite a reduction in funding during the run-off that revealed the limitations of these organizations to mobilize volunteer poll watchers, overall, civil

society made a positive contribution to the electoral process and was instrumental in providing voter and civic education.

XI. OBSERVATION OF VOTING, COUNTING AND TALLYING

First Round

The first round election day took place in a calm and orderly manner throughout the country. In contrast to the elections in 1997, voters were able to cast their ballots free from fear. No reports of violence, and only isolated reports of disturbances outside of polling places were received. In a positive development, which contributed to the transparency of the process, party and candidate representatives were present in virtually all polling places visited, often in large numbers, and domestic observers were present in over 60 per cent of polling places visited.

As a result of many polling places opening late and a slow start to the voting process, most voters initially had to queue for a number of hours to cast their ballots. However, election officials took sensible steps to address this problem and few polling stations ultimately had to remain open after the deadline for the close of polls. Officials in most polling places visited explained the possibility for voters to vote twice in the Senatorial election. The NEC took a decision at 11:00 to stop applying voter instruction stickers to Senate ballot papers to speed up the processing of voters. However, that decision did not reach all levels of the election administration throughout the country.

Polling procedures were largely well followed and the secrecy of the ballot was generally well maintained. While inking of voters was undertaken in all polling places visited, voters were not always checked for ink in advance. The impact of poverty and illiteracy caused by fourteen years of war was visible during the process, however, election officials and voters worked together, mostly in a correct manner, to overcome the problems that this caused. However in some polling places visited, in contravention of election provisions, election officials were seen assisting voters in casting their ballots, even when others who could have provided this assistance were present.

Although the counting process was slow in most polling stations where counting was observed, election officials remained committed to completing their task. While procedures were generally well followed, reconciliation instructions were not always adhered to and inconsistencies in counting votes for the Senate election were observed in some polling places, with two votes being counted for the same candidate in some cases. In many polling places observed, a relatively high number of invalid ballots, many of which were ballot papers without any mark on them were recorded. In over 50 per cent of polling places in which counts were observed, party and candidate representatives were provided with a copy of the result.

However, in contrast to the generally well administered first round election day process, the handover of sensitive election materials and the tallying process was less well organised, with delays and confusion about the exact procedures occurring in most of the Magistrate tally centres. Many Presiding Officers did not properly understand how to reconcile the figures for the three

elections, fill out result forms or the packing procedures. As a result, Magistrates, with significant assistance from UNMIL, were required to undertake necessary corrections to mathematical mis-calculations and administrative errors.

The process of double tallying, electronically and manually, was ineffective as no real separate tabulation took place. Moreover, many party and candidate representatives were poorly prepared, and did not properly understand either the tallying process or their role in observing this aspect of the election. In many cases, Magistrates did not clearly explain the tallying process, or announce the polling place that was being processed.

Where recounts took place the number of invalid ballots shrank considerably – in some polling places by as much as 80%. The high number of invalid ballots for the HoR election can be partly explained by voters choosing more than one candidate, a sign of deficiency in voter education and the negative impact of bad and late implementation of the Supreme Court decision by the NEC.

The required automatic recounts where there was a margin of 50 or less votes between winners and losers in three electoral districts for the HoR elections revealed a variable counting performance by presiding officers on election day. In River Gee D2, results figures changed by a margin of 3% or 120 votes for candidates, and in Grand Kru D1 the figures changed slightly, but only after a second recount was conducted to ensure the integrity of the process. However, in Gbarpolu, which was the closest race with four candidates within the margin of 50 votes, surprisingly none of the figures changed even though 17 polling places were recounted. Although the NEC issued regulations about automatic recounts on 10 October none of its staff seemed to be aware of this regulation.

The EU EOM communicated its concern and findings of obvious irregularities in the senatorial election in Gbarpolu to the election authorities on 23 October. The NEC reacted by recounting the polling places in question and discovered that several polling place result forms were tampered with at the tally centre, advancing one candidate to the junior senatorial position from third place. As a consequence, no official results for Gbarpolu senatorial elections were announced and the NEC handed the case over to LNP for criminal investigation. While it is a concern that the NEC failed to notify party representatives about the recount, it otherwise addressed this fraudulent case in a professional manner. The NEC finally decided to keep the polling places of the 10 tampered result forms in permanent quarantine and announced the official final results proclaiming the UP rather than the NPP candidate as the Junior Senator for Gbarpolu.

Second Round

The second round election day took place in a calm and orderly manner throughout the country. Only isolated incidents of disruption outside polling places were reported. Representatives of both contestants were present in virtually all polling places visited (in many cases two per candidate, instead of the stipulated one were present inside the polling place) and domestic

observers were present in around 60% of polling places visited, contributing to the transparency of the process.

In a positive development in comparison to the first round almost all polling places visited opened on time. This appeared to be due in part to improved delivery of campaign materials and polling place staff and special categories of voters casting their ballots at the end, rather than the start, of the process.

Voting procedures were generally well followed and the secrecy of the ballot was generally well maintained. However, in a third of polling places visited, the total number of ballot papers received was not checked prior to the opening of the polling place. In common with the first round, while inking of voters was conducted properly, in around half of the polling places observed, voters were not always checked for ink in advance of voting. Implementation of the new requirement that a voter should only be assisted by a relative or friend was mixed.

Polling places closed on time around the country at virtually all polling places observed. Counting was conducted much more quickly than during the first round, due to the fact that only one rather than three ballot papers had to be counted. While procedures were generally well followed, again reconciliation instructions were not always fully adhered to. In one third of the polling places observed during counting, the Presiding Officer did not announce the total number of votes found in the ballot box. However, in an improvement in comparison to the first round, representatives of the contestants signed and received copies of the result form and the results were immediately publicly posted at almost all polling stations observed.

The hand-over of election material at tally centres was generally well organised, in a more efficient manner than during the first round, although in Margibi county, the Magistrate decided to close the tally centre before all materials had been received.

XII. ELECTION RESULTS

First Round

When the final results of the 11 October elections, were announced on 26 October, all polling place results for the presidential, senatorial and House of Representative (HoR) elections were made available on the NEC webpage. The table below details the valid and invalid votes for each election, calculated by the EU EOM from result information posted on the NEC website.

| | <u>votes total</u> | <u>invalid votes</u> | <u>valid votes</u> |
|-----------|--------------------|----------------------|--------------------|
| President | 1,012,673 | 38,883 | 973,790 |
| Senate | 1,694,827 | 31,243 | 1,663,584 |
| HoR | 987,830 | 52,592 | 935,238 |

The total votes cast in the HoR elections differ by 24,843 from the total votes cast in the presidential election. The difference is mainly accounted for by the “special” Internally

Displaced Persons (IDPs) who were not allowed to vote for the HoR and the provision that polling staff and Liberian National Police (LNP) were not entitled to vote for the HoR if they were not registered in the electoral district where they were deployed. National and international authorities are urged to complete the repatriation of IDPs and Liberian refugees as speedily as possible in order for them to once again become an integral part of Liberian society.

The total of 1,694,827 votes in the Senate elections means that 67% of voters cast a ballot for two senatorial candidates, a sign that the voter education by NEC/UNMIL for the second senatorial vote was reasonably successful.

The number of invalid votes varied considerably between the three elections, with 3.84% of votes cast for President and 5.32% of votes cast for the HoR being considered invalid. However, there were bigger variations, some as disturbingly high as 9%, in the different counties and electoral districts. The number of 31,243 invalid votes for the Senate elections is misleading as the NEC considered that one invalid ballot paper could be counted as one vote instead of two. Therefore, 3.7%, instead of 1.8%, would be the accurate figure and in line with the number of invalid votes for the presidential election. EU EOM observations of counting and recounting concluded that the majority of invalid ballot papers were blank, indicating some shortcomings in the NEC voter education programme.

The elections to the two chambered Legislature resulted in the following distribution of seats.

Candidates per Party

| 30 Senate Seats: | | 64 House of Representative Seats¹: | |
|-------------------------|---|--|----|
| COTOL | 7 | CDC | 15 |
| UP | 4 | LP | 9 |
| CDC | 3 | COTOL | 8 |
| APD | 3 | UP | 8 |
| NPP | 3 | APD | 5 |
| LP | 3 | NPP | 4 |
| NDPL | 2 | NDM | 3 |
| ALCOP | 1 | ALCOP | 2 |
| NRP | 1 | UDA | 1 |
| Independent | 3 | NDPL | 1 |
| | | NRP | 1 |
| | | Independent | 6 |

Due to the simple majoritarian system some senatorial and HoR candidates were elected with less than 12% of the valid votes cast. For example in the Bomi senatorial election the Senator of the 1st category (9 years) received 12.2% and the Senator of the 2nd category (6 years) 11.7%. The lowest support necessary to gain a seat in the Senate was 10.7% in River Gee for the Senator of the 2nd category.

¹ One independent candidates' victory in River Cess County was nullified by the NEC following a complaint and a by-election will be held at a yet to be determined date in the future.

Second Round

On 23 November the NEC officially announced that UP presidential candidate Ms. Ellen Johnson-Sirleaf, together with her running mate Mr. Joseph Boakai, won the run-off election with 59.4% against Mr. George Weah and his running mate Mr. Rudolph Johnson from CDC with 40.6%. A total of 825,716 voters cast their votes, 186,957 less than in the 11 October elections. The number of invalid votes cast declined from 38,883 or 3.8% in the first round to 20,144 or 2.4% in the second round.

Voter turnout in %

| County | 11 October elections | 8 November election |
|-------------------------|----------------------|---------------------|
| Bomi | 73 | 62.4 |
| Bong | 68 | 51.3 |
| Gbarpolu | 67 | 56.1 |
| Grand Bassa | 68 | 44.8 |
| Grand Cape Mount | 72 | 51.4 |
| Grand Gedeh | 74 | 71.8 |
| Grand Kru | 77 | 52.4 |
| Lofa | 62 | 53.0 |
| Margibi | 70 | 57.8 |
| Maryland | 72 | 56.0 |
| Montserrado | 77 | 72.9 |
| Nimba | 74 | 52.6 |
| River Cess | 67 | 43.0 |
| River Gee | 72 | 42.4 |
| Sinoe | 72 | 53.0 |
| Total | 74.9 | 61.0 |

The forecast drop in voter turnout between the two sets of elections was realised but the 61% voter turnout in the 8 November run-off election still provided the new President with considerable legitimacy. The 14% drop in voter turnout can be attributed to voters' disinterest in one of the candidates, a lack of understanding of the purpose of run-off elections and the difficulties of reaching the Polling Places.

The campaign of both candidates focussed mainly on the major Counties along the Monrovia-Ganta corridor including Montserrado, Margibi, Bong and Nimba Counties as well as Grand Bassa and Lofa Counties which may explain the relatively higher voter turnout in those Counties compared with the rest of Liberia.

In the 11 October elections, 88.3% of Grand Gedeh County voted for George Weah a figure which increased to 96.4% in the run-off election. This high identification with Weah by the people in Grand Gedeh explains the high voter turnout there of 72% in the run-off elections. Similarly in Bomi County, the home County of Ms. Johnson-Sirleaf, the turnout dropped by only 10%. In the highly contested Montserrado County where 371,000 voters were registered, the turnout remained above 70%. Very low turnouts occurred mainly in Counties where presidential

candidates with regional support achieved high results in the first round, such as in Grand Bassa and River Cess, the stronghold of Cllr. Brumskine, where the turnout dropped by 23% and 24% respectively to below 50%. The turnout in Grand Cape Mount County, the stronghold of Cllr. Sherman, also dropped by 21% to 51.4%. The lowest turnout, 42.4%, occurred in River Gee County with - a reduction of 30% in comparison to the first round.

XIII. RECOMMENDATIONS

Constitutional Revision

Immediately following the inauguration of the new President and legislative assembly, a constitutional commission should be established with the task to engage with, and reach out to, the people of Liberia and all stakeholders. The outcome of this consultative process should be a widely communicated draft of a revised constitution. The new government of Liberia should hold a public referendum for the people of Liberia to decide on the new draft constitution. From an election point of view revisions of the constitution should include the following:

- In accordance with the position paper of the NTLA Standing Committee² the election timetable should be changed to reflect existing realities in the country, including climatic changes and bad transportation infrastructure. The campaign month of September should be changed to November and the elections should be conducted in mid-December.
- In line with findings of the NTLA Standing Committee on Elections and Inauguration on 21 October 2004, the tenure of the offices of the President and Vice-President should be limited to four years with the option of re-election for one additional term only. The term of office for members of the House of Representatives should also be reduced to four years in line with international standards. In addition, Senators should only be elected for five years, and that the title and status of all Senators elected be equal.
- The constitutional revision should include the removal of provisions for Liberian citizenship based on ethnicity which result in unacceptable disenfranchisement according to international standards. Further, the possibility of an out of country vote must be considered and for future elections, refugees residing outside the country should have the right and possibility to register to vote.
- In view of the historic manifestation of representation and seat distribution of counties in the Assembly as well as the compromise in the 2004 Electoral Reform Law, a constitutional revision should acknowledge the sole role of a 30 member Senate in representing the 15 Counties and the House of Representatives' role of each MP representing an equal number of voters in 64 single seat constituencies.
- A constitutional revision should also include a quota for women's representation in Parliament in line with the 30% bench mark agreed by the African Union.

² Resolution by the NTLA on the scheduled 2005 Legislative and Presidential Elections in Liberia. May 12, 2005.

Election Administration

The composition of the NEC and the structure and procedures of the election administration should be reviewed to ensure confidence among political contestants and the wider public that future elections will be administered in an efficient, impartial and transparent manner.

- The NEC should be restructured and strengthened. The NEC should quickly replace untrustworthy or biased senior staff members (Magistrates). Staff should be better trained and provided with clear job descriptions. In particular, there is a need for computer specialists, trainers in voter education, and experts on legal and electoral issues. Future presiding officers should receive better training especially in reconciliation, counting and compilation of result forms.
- The NEC should improve its communication with political parties and the general public to enhance transparency and diffuse information to the electorate more effectively. Crucial information such as the number of ballot papers printed and distributed should be communicated clearly and in time. The NEC should consider allowing a limited number of relevant stakeholders, such as party representatives and observers to attend all formal meetings and sessions of the NEC thereby increasing their accountability in the process.
- For future elections all electoral arrangements should be considered and agreed in good time to avoid late finalisation and changes of the electoral arrangements and the consequent lack of information to voters, candidates and observers.
- Feasible arrangements for party/candidate representatives and domestic observers should be made in time to ensure an effective presence in all polling places.
- The legal provisions on procedures for assisting voters should be amended to clearly state that polling staff are not able to assist voters during voting. Rather a friend or relative should be allowed to assist one voter each during voting.
- Tally procedures should be followed and precise arrangements for the hand over of sensitive material should be in place for the next elections. In particular, the conduct and reasons for recounts should be properly communicated to representatives/observers. Results should not only be checked automatically for possible irregularities, but double checked by trained experts.
- Given the immense support by UNMIL to reach “inaccessible” voting precincts, appropriate and adequate provisions for future elections should be made for voting by all registered voters in the vicinity in which they live, in accordance with basic international electoral standards of equal treatment, secrecy of the vote and convenient provision of adequate polling places. A larger number of voting precincts, and possibly mobile polling places, could improve voter turn out and protect the secrecy of the vote.
- Political parties and independent candidates as well as their representatives should receive intense training on electoral procedures for them to be aware of their rights, duties and responsibilities during the whole electoral process. The established Inter Party Coordination Committee meetings should be held in-between elections and more regularly and frequently before elections.

- The NEC should streamline and simplify complaints procedures, in line with international principles and best practice, to ensure better understanding and more efficient conduct of complaints.
- The NEC, Magistrates and Election Supervisors should improve their financial conduct as polling staff and the wider public need to trust the NEC to conduct and administer peaceful and orderly elections.
- Polling places should open at 6 am instead of 8 am and close at 4 pm rather than 6 pm to ensure that counting can be undertaken in daylight.
- Material provisions for polling places should be improved for future elections, especially the number and quality of torches, stamps and screens.
- More comprehensive, feasible and viable procedures for verifying campaign financing and expenditure should be developed. There also should be a more will to enforce such regulations, including increasing the accountability of political parties and candidates, ensuring more effective political competition, preserving the integrity of the electoral process by increasing transparency, enhancing accountability, eliminating corruption and strengthening the rule of law. The NEC should communicate clearly that the distribution of money or goods by candidates to possible voters is prohibited and against international standards.
- The law on the prohibition of abuse of state resources should be respected and enforced. A Code of Conduct for public bodies and civil servants should be developed, explaining clearly what is and is not permissible. Heads of public and parastatal bodies should be required to sign a declaration indicating support for such prohibitions, and should be held accountable in the face of evidence of abuse. The sanctions for violations should be widely publicised and severely enforced.

Candidate Nominations

The nomination of candidates should be improved as several deficiencies occurred in the crucial period before the elections. The Supreme Court concluded in its ruling in the Cllr. Jones et. al. case on 27 September that independent candidates were not given equal opportunities in comparison with political parties since eligible voters are not the same as registered voters.

- The NEC should be more consultative in its approach and more severe in establishing coherent legal procedures and regulations for future elections in order not to endanger future electoral processes by possible court rulings.
- The NEC should establish criteria for possible candidates thereby excluding convicted war criminals. Further, the NEC should carefully investigate the eligibility of all nominees.
- The nomination procedures should be changed in order to be coherent for all candidates, whether they are independent or of political parties.
- The nomination fees (US\$2,500 for Presidency, US\$1,500 for Vice-Presidency, for Senate US\$750, for HoR US\$500) should be abandoned since they particularly disadvantage women and pre-select candidates on the grounds of financial means instead of social and political merits.

- The large number of nominations (779 for the 2005 elections) should be reduced by requesting both existing and new political parties and independent candidates to present the signatures of 1% of the registered voters of their constituency (electoral district for HoR, County for Senate). For presidential candidates the requirement should be the signatures of 1% of the registered voters from each of the 15 counties of Liberia.
- The NEC should rigorously verify the accuracy of the names and signatures provided and double check them with the FRR before publishing them in the national gazette.

Voter Education

- Voter education should be strengthened and supported, both in terms of facilitating the voting process and assuring the secrecy of vote. It should start much earlier and be organised more effectively, through schools, civil society groups and political parties, as well as through the use of radio, interactive theatre and mobile training teams.
- The NEC and civil society organisations should make serious efforts to improve the understanding of the wider population about the purpose of a run-off election.

Registration/Census

- Before the next general elections, a civil register should be established through the conduct of a national census. The census will be necessary for the issuing of national identification cards and together with the established FRR of 2005 will form the basis from which a new voter registration roll can be created and updated.
- Measures should be taken to ensure rigor and transparency in making changes to the voter roll if voters move and need to transfer their voting location. Further, a future voter registration and verification period should be clearly specified and sufficient time allowed for the process.
- In future elections, refugees residing outside the country should be provided with the possibility of registering to vote. IDPs who opt to repatriate to their counties of origin should be assisted by national and international authorities to repatriate in advance of an election.

Media

As a state-broadcaster, ELBC should provide clear and tangible impartiality in its performance as a public service. Although the tone of its electoral coverage was generally neutral, the imbalance in the amount of airtime allocated to the different political contestants needs to be corrected.

- Allocation of free time to political parties and candidates in ELBC should be an obligation instead of a voluntary practice at the discretion of the state broadcaster. Well before the next elections, a formula for the allocation of free airtime on the state radio station should be agreed. Such a formula could take into account the current political representation in the Legislature.

- As a state-broadcaster, ELBC airtime bought by political parties during an election campaign period should be clearly identified as such.
- Decree 46 should be reviewed and amended to reflect the current administrative context. Although Liberian media currently operates in a free environment in which freedom of expression is guaranteed, Decree 46 currently provides the MICAT with authority to take some restrictive actions against the press more suited to a military regime, under which this decree was created, rather than to a democratic administration.
- Private independent media should also provide balance in electoral coverage. Although their position as commercial entities gives them a different status, to that of a state or public broadcaster, international rules of fair and professional journalism imply certain limits, especially in a context of an electoral campaign.
- The performance of many local media, especially newspapers should be improved based on international principles of professional journalism. Fairness, respect for the truth and clear distinction between facts, rumours and opinion should be guaranteed by every media outlet. At the same time, common practices that could jeopardize the neutrality of the media should be avoided.

Conduct of the Legislature

The EU EOM also wishes to raise the issue of capacity and practice of the Legislature taking on its constitutional representation, legislation and oversight role. Only 12 of the existing Legislators were returned to the legislative assembly. There is therefore an urgent need to familiarise the new members with their role and responsibilities.³

- International partners of the Legislature should adopt a programme approach to efficiently coordinate their support to the national assembly, ensuring accountability and the proper achievement of commonly agreed goals and objectives.
- The Legislature should review its Standing Orders and abandon malpractices such as executive sessions and quora due to excused but absent representatives.
- The remuneration and allowances of Legislators should be in line with international standards and based on a constitutional provision ensuring that Legislators' income is in line with the income range of senior civil servants and comparative private sector position salaries. The example of the calculation of salaries and allowances for MPs in South Africa should be considered.
- The Legislature should strengthen the legislative-constituency relations to encourage and promote the accountability of legislators to their constituents.
- Although Members of Legislature have been democratically elected by the electorate, their impunity as Legislators should not be used to release them from facing responsibility for past crimes against humanity.

³ The Konrad Adenauer Foundation has already started implementing an EU funded project in support of the Legislative Assembly. UNDP and USAID have projects in the pipeline.

Justice and Reconciliation

While the clear wish of a majority of Liberians is to open a new and peaceful chapter in the country's history, both in the Senate and House of Representatives a number of people alleged to have committed war crimes were elected. In accordance with the truth and reconciliation procedures established under the CPA, immediate priority should now be given by the new government to starting an active reconciliation process. A first task should be an open and honest discussion, which should include atrocities committed in the past.

ECOWAS Special Representative Ambassador Ansumana Ceesay acted as Chairman of the Selection Panel that vetted and recommended a short-list of 15 Liberians to the NTGL from which nine were selected to serve on the Truth and Reconciliation Commission (TRC). The Centre for Democratic Empowerment (CEDE) which drafted the TRC bill requested Chairman of the NTGL to act with the necessary speed in having the members of the TRC officially commissioned so that they can be enabled to undertake the statutory functions.

- One of the first acts of the new president should be to officially commission the TRC, The UN and ECOWAS should swiftly name their representatives to the TRC in order that the process of national healing and reconciliation can begin in earnest.
- However, reconciliation will only work in Liberia if those that stand accused of committing crimes against humanity face justice through the courts. There can be no meaningful reconciliation without individuals accepting responsibility for their past crimes and wrong-doings. If being elected to the new Senate or House of Representatives is misused as an excuse for avoiding justice through the courts this will create a climate of impunity that will prevent Liberia from entering a new and more peaceful future. Such a misuse of immunity goes against universally recognised principles of international law. At the same time, the government and newly elected Legislature must make sure that procedures are put in place for citizens who wish to take persons to court for crimes committed against them in the past can do so.