



**AFRICAN UNION ELECTION OBSERVATION MISSION (AUEOM) TO LIBERIA
10 OCTOBER 2017 PRESIDENTIAL AND HOUSE OF REPRESENTATIVES ELECTIONS**

PRELIMINARY STATEMENT

Monrovia, 11 October 2017

***AUEOM Reports Generally Peaceful and Transparent Elections; Calls for Timely
and Credible Management of Results***

INTRODUCTION

1. On 10 October 2017, Liberians went to the polls to elect their president and members of the House of Representatives in the third regular elections after the end of the civil war in 2005, and the first transition of power from one democratically elected president to another since 1944. The elections took place in a context marked by significant decrease in international support to Liberia's development and political processes. While this situation favours a welcome increase in national ownership of the electoral process, it also puts considerable pressure on scarce national resources, especially as the country is still recovering from the negative human and financial effects of the Ebola epidemic.
2. Following an invitation from the Government and National Electoral Commission (NEC) of the Republic of Liberia, the Chairperson of the African Union Commission (AUC), H.E. Moussa Faki Mahamat deployed a Long Term Election Observation Mission comprising of four (4) Core Team analysts and eight (8) Long Term Observers (LTOs) who arrived on 2 and 6 September 2017, respectively. The LTO Mission was charged with responsibility of observing, assessing and reporting on preparations for the elections and political context in which the elections will take place to ensure it is compliance with African Union (AU) instruments and international standards for democratic elections.
3. On 3 October 2017, the LTO Mission was joined by thirty six (36) short-term observers (STOs) to observe election day operations and immediate post-election developments, including the result management. The STO Mission is led by H.E. Erastus J.O. Mwencha, former Deputy Chairperson of the African Union Commission (AUC), and includes high profile personalities and experts drawn from the Pan-African Parliament, (PAP) African Ambassadors accredited to the AU, Election Management Bodies (EMBs), independent electoral and governance experts and Civil Society Organizations (CSOs) from 25 African countries.
4. This statement presents the preliminary findings and conclusions of the AUEOM on the conduct of the 10 October 2017 Presidential and House of Representatives Elections. It is issued before the conclusion of the entire electoral process. The AUEOM will issue a comprehensive report of the elections within two months which will take into consideration how the remaining phases of the electoral process will be managed.

SUMMARY OF KEY FINDINGS

The Pre-Election Phase

Political and Electoral Environment

5. The political and electoral environment remained largely calm and peaceful in most counties visited. The campaign period was characterized by excitement and enthusiasm reflected in public rallies, media advertisements, door-to-door campaigns, and road shows by supporters of political parties. The peaceful campaign atmosphere is largely attributed to

the general willingness of the Liberian people to have peaceful electoral process, as demonstrated in the commitment made by political parties through the signing of the Farmington Declaration in June 2017.

6. Despite the general peaceful pre-election environment, it was marked by few isolated incidents of violence, notably, the two incidents of violence between supporters of the Coalition for Democratic Change (CDC) and Liberty Party (LP) on 20 September in Sanniquelle (Nimba County), and between supporters of CDC and Unity Party (UP) on 21 September in Monrovia (Monsterrado County).
7. The AUEOM commends all Liberian stakeholders for having thus far maintained a calm and peaceful environment.

The Legal Framework for Elections

8. Liberia's legal framework for elections is comprised of 1986 Constitution, the New Elections Law and the various National Elections Commission (NEC) regulations. The AUEOM notes that the legal framework for the 2017 elections is generally in line with international and regional norms and standards for the conduct of democratic elections as its protect fundamental freedoms of association, assembly, and political participation.
9. The AUEOM however notes concerns by stakeholders regarding the different interpretations of the Code of Conduct Act by the Supreme Court in relation to its applicability to presidential appointees participating in the 2017 elections as candidates. The Mission further notes that the legal framework makes no provision for public funding to political parties which may have limit some parties' ability to fully participate in elections on a level playing field.
10. The AUEOM notes that the law provides for political parties to "endeavour" to field at least 30 percent of their candidates from each gender. The Mission notes that because this is not mandatory, a number of political parties did not comply with the legal requirement of gender representation in the candidates list submitted for nomination. As a result, only 15.9% women candidates contested for seats in the House of Representatives in the current elections.

Electoral Administration and Preparation

11. The NEC is constitutionally established as an autonomous body vested with the responsibility to conduct all public elections and referenda, including boundary delimitation, voter registration, civic and voter education, and resolve electoral disputes.
12. The Mission notes that despite funding and logistic challenges, the NEC was quite prepared for the 2017 elections, as it carried out all the stages of the electoral process in accordance with the electoral calendar. The Mission further notes that the NEC has

enjoyed confidence from most of the stakeholders, which contribute to enhance credibility of the electoral process. Some of the commendable actions of NEC that enhance trust in the electoral process include its regular updates and interactions with stakeholders, particularly with political parties.

13. Despite NEC's good relations with stakeholders, some were not fully satisfied with its explanation regarding the printing of extra 30% ballot papers, which is more than the internationally recognised practice for reserve quantities which ranges between 5 to 10 percent.

Voter Registration

14. AUEOM notes that a new voter register was compiled from 1 February to 7 March 2017, but was later extended to 14 March to compensate for the delay in some centers caused by faulty cameras at the start of the process. At the end of the registration process a total of 2,183,629 voters were registered, of whom 1,119,355 are males (51%) and 1,064,274 are females (49%).
15. The AUEOM notes concerns about the accuracy of the final figures of the voters register released by NEC. Some stakeholders maintained that the figures were either too low or too high. The concerns of stakeholders were to some extent validated by the discovery by the NEC that a total of 13000 entries of voters had missing names, pictures and mismatch between pictures and names and wrong allocation of polling centers.
16. The Mission notes that the absence of a national identification system could have contributed towards non-nationals being registered as voters, which increased concerns on the validity and accuracy of the voters register.

Candidates, Party Registration and Nomination

17. The AUEOM notes that registration of political parties in Liberia falls under the jurisdiction of the NEC and is regulated by the Constitution and the New Elections Law.
18. Out of a total of twenty six (26) registered political parties, twenty three (23) contested the elections. There were 20 presidential candidates - seventeen (17) candidates representing political parties, and three (3) independent. Of the 20 presidential candidates only one (1) was a woman. For the House of Representatives, there were a total of 978 candidates of whom ninety (90) were independent. The high numbers of candidates demonstrates the competitive nature of the 2017 electoral contest.

Election Campaign

19. The official campaign started on 31 July, 2017 and ended on 8 October, 2017 at 24h00 in compliance with the law. The AUEOM observed that the campaign was generally peaceful, orderly and issues-based. Political parties and candidates were able to carry out their campaign activities freely and competitively.
20. While the campaign was generally peaceful, multiple stakeholders the AUEOM interacted with expressed concerns regarding the misuse of state resources for campaign (government vehicles) by some candidates mainly from the Unity Party (UP). Although the Mission cannot ascertain the extent to which this has impacted the elections, it notes that the use of public resources could have provided an unfair advantage or an unlevelled playing field in the electoral process.
21. While the control for state resources for campaign is a difficult task, the Mission is of the view that prohibitory and enforcement mechanisms established under the Code of Conduct Act should be observed.

Women Participation

22. Despite Constitutional guarantees of equality, and Liberia's international and regional commitments for the promotion of women political participation, the Mission notes that participation of women as candidates in the 2017 elections was low. With the exception of the Liberian Restoration Party (LRP), none of the contesting political parties met the 30 percent recommended threshold for women participation. There were only 156 (15.9%) women of the 978 candidates who contested for seats in the House of Representatives, one (1) for the Presidency and six (6) for the vice-presidency.

The Media

23. The law guarantees media freedom and access to information as fundamental rights. Further, the African Charter on Human and Peoples' Rights, the AU Charter on Democracy Elections and Governance, as well as the ECOWAS Protocol on Democracy and Good Governance recognize the centrality of the media in democratic processes.
24. Consistent with the aforementioned instruments, the Mission observed that Liberia enjoys a vibrant and diverse media which allows for free expression of opinions, with approximately sixty (60) active newspapers, over one hundred (100) radio stations and one (1) state owned television station.
25. The AUEOM notes that the public broadcaster provided access to contesting candidates. Although this is a good practice that enhances fairness and reporting of electoral contestation, some political parties were not aware of the opportunity and did not utilize it.

26. The AUEOM observed that the existence of privately-owned media outlets that is not adequately regulated provided coverage on the elections that was largely partisan and bias.

Election Dispute Resolution

27. The AUEOM notes the existence of clear guidelines on dispute resolution including the timelines established under the legal framework. It further notes that there were a number of election related disputes but were expeditiously adjudicated by NEC and the Supreme Court.

Security of the Elections

28. The Mission notes the security mechanism established through the formation of the National Election Security Task Force (NESTF) that comprised the Liberian National Police (LNP), the Liberia National Fire Services, the Liberia Immigration Services, the Drugs Enforcement Agency, the Armed Forces of Liberia, the Executive Protection Services, the Bureau of Correction and Rehabilitation and the National Security Agency, which enhanced security for the elections.

29. Despite the funding and logistical challenges faced by the LNP, they were able to provide a secured environment for the elections. The AUEOM notes that LNP enjoyed good collaboration with stakeholders through the provision of security details to all political parties and presidential candidates, which contribute an atmosphere of peace that prevailed throughout the elections.

ELECTION DAY OBSERVATIONS

30. On Election Day, the AUEOM observed opening in 19 polling precincts – 15 in urban and 4 in rural areas, voting in 166 precincts – 69 in urban and 97 in rural areas, and closing in 19 precincts – 15 in urban and 4 in rural areas in 10 of the country's 15 counties. Below is a summary of the Mission's observations on Election Day:

- Most of the polling places visited opened on time, with a few that opened approximately an hour late due to delay in setting up the polling precincts, late arrival of election materials and of party agents.
- The atmosphere inside and outside the polling precincts visited on election day was generally peaceful, although some polling precincts were characterized by poor crowd control and unruly voter behavior.
- The secrecy of the vote was guaranteed in all polling stations precincts visited.
- A number of voters were observed turned away from some polling precincts visited due to various reasons including being in the wrong polling precincts, missing and

mismatched details in the voters roll. AU observers notes that, in some instances, polling officials did not properly direct voters to the right voting precincts, ultimately resulting in frustration and tension within the voting places.

- There were no campaign materials and activities observed in almost all the polling precincts visited with the exception of few cases where campaign materials and canvassing were noted within the prescribed limits of the polling places.
- Security personnel were visibly present outside in most of the polling places visited during opening, voting and closing, but their presence is mostly discreet, non-intrusive and professional.
- Long queues were observed throughout the day in most of the polling precincts visited which demonstrate a high turnout of voters in exercising their democratic rights.
- Most polling precincts visited were accessible to all voters including persons with disabilities. However, a sizeable number were inaccessible to persons with disability due to the fact that they were located in unlevelled grounds and upstairs in storey buildings. The AUOEM observed that priority was accorded to persons with disabilities, the elderly, expectant women and mothers with babies.
- There was a high presence of party and candidates agents in almost all polling stations visited and were able to perform their duties without hindrance or restriction observed. AU observers assess the competence of party and candidate agents during the opening, voting and closing process as mostly good and very good.
- Voting procedures were largely adhered to by polling officials in the polling precincts visited. While AU observers assessed the competency of polling officials as mostly good and very good, in some instances, polling officials were unaware of the exact number of registered voters in their assigned polling precincts.
- AU observers noted that all essential election materials were available in adequate quantities in almost all the polling places visited throughout the day.
- Overall the AUEOM assesses the conduct of the process of the election day as well administered.

CONCLUSION

31. The Mission concludes that despite some logistical and technical challenges faced by NEC, overall, the pre-election and election day processes were conducted in an orderly, transparent and credible manner. The Mission commends all Liberians for demonstrating their strong commitment to democratic consolidation.

32. This preliminary statement is issued before the conclusion of the entire electoral process. The AUEOM will issue a comprehensive report of the elections within two months which will take into consideration how the remaining phases of the electoral process are managed.
33. The AUEOM calls on all stakeholders to remain calm during and after the electoral process. The Mission urges any stakeholder dissatisfied with the electoral process to seek redress through the established legal and institutional mechanisms.

RECOMMENDATIONS

The AUEOM offers the following preliminary recommendations for consideration by the Liberian stakeholders for further improvement on their electoral processes in future:

- **Political Environment:** All stakeholders should continue to strive for peace in the remaining phases of the electoral process to ensure a smooth democratic transition.
- **Women Participation:** Consider amending section 4.5(b) of the New Elections Law by making it mandatory for political parties to have in its governing body and list of candidates not less than 30 percent of each gender.
- **Public Funding of Political Parties:** Consider providing for public funding of political parties for level playing field.
- **National Identification:** The government should adopt and legislate a National Identification System.
- **Media:** In light of the partisan and polarised nature of the media in Liberia, private media should be adequately regulated and must ensure responsible reporting of electoral activities.
- **Election day procedures:** Training of polling staff should be enhanced for efficient administration of all electoral processes in accordance with Polling and Counting Regulations.
- **Persons With Disabilities:** Improve ease of access to polling places for persons with disabilities.
- **Exhibition of the voters' register:** Consider allocating more time for the exhibition and verification of the voters' register in order to enhance validation.
- **NEC** should consider enhancing training of polling officials, particularly on proper crowd management.

Monrovia, Liberia