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Carter Center Reports Vibrant and Generally Peaceful Campaigning in Liberia; Urges Steps to Level Playing Field

Liberia's upcoming 2011 presidential and legislative elections represent a critical test for the country's transition from war to democratic and constitutional government. Carter Center observers report that campaigning has been vibrant and generally peaceful, and that political parties and independent candidates have been able to move freely and to convey their message to potential voters.

As election day approaches, the Center calls on all parties to reconfirm their commitment to nonviolent participation in the electoral process, to refrain from inflammatory rhetoric or other actions that could lead to violence, and to ensure that the message of peaceful participation consistent with the law is clearly and unequivocally communicated to their partisans at all levels.

At the same time, the Center has observed a significant number of incidents of opposition political parties being denied access to public facilities and of public resources being used for campaign purposes, in violation of regulations on the use of public resources included in the elections law. Specific incidents are detailed in the report below. While they represent important violations and should cease immediately, the Center believes that political parties and candidates have sufficient space to conduct meaningful campaigning in advance of the elections.

We acknowledge the National Elections Commission's (NEC) progress in delivering election materials on time and their ongoing efforts to train poll workers, and call on the NEC to ensure that poll workers are adequately trained and paid on time. In addition, civic and voter education programs should be accelerated, particularly in rural areas and the Southeast.

The Carter Center launched its election observation mission in Liberia in early September and has deployed eight long-term observers. The Center is in Liberia at the invitation of the NEC and aims to provide an impartial assessment of the electoral process, made available to Liberians and the international community in periodic public statements. The

Center assesses the electoral process based on Liberia's national legal framework and its obligations for democratic elections contained in regional and international agreements.

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**Carter Center Liberia Pre-Election Statement
Oct. 3, 2011**

Campaign Environment

Campaigning by political parties is ongoing, following the official commencement of the campaign period on July 5, 2011. The Carter Center welcomes the largely peaceful manner in which the parties have conducted their campaign activities throughout Liberia, and the enthusiasm of many Liberians to participate in the political process. Carter Center observers have witnessed campaign events in most of Liberia's 15 counties and report that parties and candidates are moving freely and sharing their message with voters. While noting media reports of two episodes of violence, including the fire-bombing of a Unity Party (UP) official's car in August, our observers have not encountered evidence of violence by parties or their affiliates. This is an important pre-condition for parties and candidates to be able to openly express their opinions and views with voters, and a positive sign for the remainder of the election period.¹

At the same time, observers have encountered numerous complaints from opposition political parties that their posters have been torn down and in some instances replaced by posters for the UP.² In addition, the Center was informed of an isolated case in River Gee in which several UP candidates allegedly sought to intimidate opposition politicians.³ As election day approaches, the Center calls on all parties to reconfirm their commitment to non-violent participation in the electoral process, to refrain from inflammatory rhetoric or other actions that could lead to violence, and to ensure that the message of peaceful participation consistent with the law is clearly and unequivocally communicated to their partisans at all levels.

The Center welcomes the NEC's efforts to resolve disputes through the Interparty Coordinating Committee (IPCC), as well as the Code of Conduct for Political Parties and the Memorandum of Understanding between the political parties and the Liberian National Police (LNP). The Carter Center calls on those parties that have not agreed to sign these two documents nevertheless to adhere to their provisions and to conduct their activities within the legal framework.

¹ UN International Convention on Civil and Political Rights (ICCPR), art. 19 (stating that everyone shall have the right to freedom of expression for information and ideas of all kinds)

² The CDC and NPP filed a complaint to the NEC in Grand Kru County on Sept. 14, 2011. They received a written reply from the NEC Magistrate on September 20 promising to investigate.

³ This case involves candidates from LTP, MPC, LDP, and OCPOL who allege that several candidates from the UP threatened them in an effort to restrict their campaign activities in River Gee. An official complaint was filed with the NEC on Sept. 27, 2011.

Access to Public Facilities

Inequitable access to public buildings and public spaces for campaign events undermines the aspiration of a level playing field during the campaign period.⁴ Access for political parties to public facilities in Liberia is ensured by article 10.21 of the Liberian Election Law, which states that “Political parties are also privileged to use, and shall not be denied the right to use any public building or such facilities necessary and appropriate for their purpose,” so long as a “timely request” is made. While noting that a number of rallies and other party events have taken place in public facilities, including in recent weeks, Carter Center observers have received several complaints from political parties that they have been denied access, in apparent contravention of the elections law.

In this respect, we note the complaint filed by the LP with the NEC on Aug. 22, 2011, concerning the refusal of the Superintendent of Lofa County to grant the party use of the Administrative Hall in Voinjama City to hold their second national convention. The Carter Center acknowledges the NEC’s recent ruling in favor of the LP, which found that the Superintendent had unjustly denied the party access and should be penalized. We call on all parties to submit formal complaints to the NEC, consistent with the NEC’s “Regulations on Challenges and Complaints Arising before and during Elections.” In addition, we call on the Minister of Internal Affairs, Hon. Harrison Karnwea, to investigate and take appropriate action.⁵ Also, we urge the Minister to publicize a government bulletin dated Sept. 29, 2011, that calls on all superintendents “to ensure equal access to all public facilities throughout the country, by all duly qualified political parties and independent candidates,” so long as sufficient prior written request is submitted and responsibility is accepted for any damage caused.

The Carter Center also notes concerns raised by the CDC about access to the Samuel Kanyon Doe Stadium in Monrovia. The party requested use of the facility for a rally on Oct. 8, 2011, and suggested three alternative dates – on Oct. 6, 7, and 9 – but their request was denied on the grounds that the facility was fully booked and paid for on those dates.

The Minister of Youth and Sports, Hon. Etmonia Tarpeh, explained that the stadium is booked for a workshop for 100 people on Oct. 6 and for an international football match between Liberia and Mali on Oct. 8, and indicated that she had offered alternative dates in early October. The CDC has indicated that they declined these alternative dates because they overlapped with a previously arranged campaign visit to the Southeast. However, our observers noted conflicting information on the schedule of events at the stadium, including an untitled conference for 30 people, booked in the minister’s name, for the “entire SKD complex” on Oct. 7-9. Despite direct requests by Carter Center observers, we received no clear explanation concerning the nature of this conference. This information raises important questions about the minister’s commitment to equal access.

⁴ African Charter on Human and People’s Rights, art. 13.

⁵ The refusal to grant access to public facilities is a violation of the Election Law and can result in a penalty of up to USD \$500.00. See section 10.21 of the Elections Law.

Misuse of State Resources

The use of state resources for party campaigning is a violation of the elections law and of Liberia's international obligations with respect to campaign finance.⁶ Political parties and civil society organizations have consistently complained about the misuse of state resources, especially government-owned vehicles, for campaigning purposes. At least one civil society organization, the Liberia Democratic Institute (LDI), has catalogued dozens of specific cases, predominantly involving the governing UP, but also the CDC, LP, and the National Union for Democratic Progress (NUDP).⁷ Carter Center observers note that the UP enjoys an overwhelming advantage in terms of campaign resources, and have reported seeing government vehicles being used at UP-sponsored campaign events in Bong and Grand Bassa Counties. While the line between official business and campaigning is not always easy to draw, and while incumbents often enjoy some advantages, these examples represent violations of the law and should cease.

A number of political parties also have expressed concern about campaign posters being put up on public buildings. The NEC has stated publicly that this practice does not violate the Constitution or the election law, and that all parties are therefore free to put up posters as they see fit. While acknowledging that Liberian law is silent on this question, we believe that placing posters on public buildings creates the impression that public property, which belongs to all Liberians, is being used for the advantage of one or another political party.

The voluntary Code of Conduct for Political Parties defines public resources as "all properties held in trust for the collective use of Citizens of Liberia, including but not limited to Government of Liberia property, state owned corporations and all other resources not privately held." Resolution 5 further states that, "Political parties shall not utilize public resources for party activities..." The Carter Center calls on all political parties, and especially the governing UP, which has signed the Code of Conduct, to desist from placing campaign posters on public buildings.

Liberian Broadcasting Service

On Sept. 23, 2011, Managing Director of the Liberian Broadcasting Service (LBS) Ambruss Mneh was suspended indefinitely and replaced by Chairman of the Board Alhaji Kromah. Political parties and civil society have raised concerns that the suspension may be linked to the airing of a live press conference in which Ambassador George Weah, vice standard bearer of the CDC, made comments critical of the president of Liberia. The right to freedom of expression, including seeking, receiving, and imparting information and ideas is a fundamental principle for a democratic electoral process.⁸ While Liberia enjoys considerable press freedom, and journalists are for the most part free to air their views in print, online, and on the radio and television, without

⁶ States must take measures to prevent corruption. Treaty obligations establish the general requirement and indicate that States shall promote transparency in public decision making as a means of combating corruption. UN Convention Against Corruption, art. 18. and 13; African Union Convention on Corruption, art. 7.

⁷ LDI, "Abuse of Incumbency, Administrative Resources and Political Corruption in the 2011 Presidential and Legislative Elections," separate reports for July and August 2011.

⁸ UN, International Covenant on Civil and Political Rights, art. 19(2).

fear of harassment, we believe the timing of this decision raises questions about the neutrality and credibility of LBS during a sensitive moment in the campaign period.

We call on all parties to respect the freedom of the media, so that journalists can perform their important role without fear of molestation. In addition, we call on the media itself to report responsibly and to maintain complete independence.

Electoral Framework

The 2011 elections are the first elections to be organized and held on the basis of the full text of Liberia's 1986 Constitution. The previous 1997 and 2005 elections were both "special elections" for which specific components of the constitution were suspended as a result of the relevant peace agreements. Because of this, it was expected that a number of definitions within the constitution would need to be clarified through the legal process. The Carter Center welcomes the manner in which the parties have proactively sought clarification on several questions and their acceptance of the court's authority as the highest judicial body in the land.

On Sept. 21, 2011, the Movement for Progressive Change (MPC) filed a case at the Supreme Court challenging the decision by the NEC to register six candidates for president on the grounds that they do not meet the ten-year residency requirement laid out in Article 52(c) of the Liberian Constitution. This article states that "no person shall be eligible to hold the office of President or Vice President unless that person is: (c) resident in the Republic ten years prior to his election ...". We await the court's decision on this important question and encourage all Liberians to abide by its ruling.

Elections Preparations

Preparations for the elections are ongoing, in line with NEC's electoral calendar. The NEC has successfully distributed election materials to the counties, with limited logistical support from UNMIL to reach difficult to access locations in the Southeast and in Lofa and Gbarpolu Counties. Magistrates are packing these materials for distribution to the Districts and polling precincts. The Carter Center commends the professionalism and commitment shown by NEC staff in carrying out these tasks on time, and notes the good working relationship between the NEC headquarters in Monrovia and its county offices. In addition, and with one important exception, our observers report a good working relationship between the political parties and NEC officials at the county level.⁹

In total the NEC recruited more than 27,000 poll workers to be trained and engaged on the election day in 4,457 polling places. There are no reported delays in trainings and preparations are ongoing. The Carter Center calls on the NEC to ensure that all polling staff are adequately trained and paid on time. We also note the concern of domestic

⁹ In Grand Kru County, opposition parties have questioned the impartiality of the NEC and expressed concerns about the potential for fraud. They point to the relationship between incumbent Senator Blamoh Nelson, his wife Elizabeth Nelson, co-chair of the NEC at the national level, and the NEC Magistrate in Grand Kru, Stanislaus Wisseh, who previously worked with Senator Nelson in the Legislature. CDC and NPP have filed a formal complaint. The NEC reports that the Magistrate will be replaced before the election, and that a special oversight commissioner has been assigned to the case, but at present the magistrate remains in office.

observers and others that the NEC's training must emphasize the rules for determining valid versus invalid ballots, as spelled out in the elections law, section 4.13. We hope this will help to reduce the potential for conflict amongst polling staff and party agents during the counting process.

In addition, Carter Center observers have encountered persistent concerns about the inclusion of underage voters on the final registration roll. The Carter Center did not observe the registration process, but we were informed by the NEC that no names have been removed from the voters' list and that the list may include as many as 3,000 underage voters. NEC Chairman James Fromayan, has recommended that the presiding officer request proof of age in any case where a person who is obviously underage attempts to vote. While recognizing the need to take steps to prevent underage voting, requiring proof of age is inconsistent with the NEC's Polling and Counting Manual and affords to presiding officers the power to deny the right to vote to persons with a valid voter registration card whose name is on the final registration roll. This could create confusion or open the door to abuse or the perception of abuse. We call on the NEC to immediately clarify the procedures for presiding officers in the case of suspected underage voting.

Finally, we note informal complaints by several parties that NEC training posters depicting a sample ballot were printed with the words "Unity Party," while not identifying any other party by name. The text is quite small and we have been informed that NEC quickly took steps to address what they described as a "printing error" by blacking out the party's name, although only after the distribution of 10,000 posters. This error reinforces concerns raised during the referendum about the NEC's capacity to carefully proofread documents before publication, and does not meet the high standard for professionalism and impartiality that the commission must maintain throughout the electoral process. We urge the NEC to ensure that all copies of the poster that have not been blacked out are removed.

Civic and Voter Education

Effective voter education is crucial to ensuring that an informed electorate can properly exercise their right to vote.¹⁰ The NEC, along with international partners and a number of Liberian civil society organizations are responsible for carrying out voter and civic education programs throughout Liberia. Their plans include a number of different media, from workshops and posters to radio announcements, mobile cinema that addresses election themes, and door-to-door education campaigns. Carter Center observers report seeing some NEC voter and civic education posters and they have heard second hand about teams of civic educators in markets, churches, schools, and other venues. In addition, the Center notes an ongoing schedule of legislative candidate debates, organized by the Press Union of Liberia (PUL) with support from IREX, and senatorial candidate debates sponsored by the National Democratic Institute (NDI).

However, given the scale of illiteracy in Liberia and difficulties of communication, Carter Center observers have encountered remarkably limited civic and voter education

¹⁰ UNHRC, General Comment 25, para. 11; African Charter on Human and People's Rights, art. 13.

activities in the counties, particularly in rural areas. Voter education work in the Southeast is almost non-existent. We call on the NEC and its partners to redouble their efforts to educate Liberians about the upcoming elections. This will be especially important with respect to the constitutional amendment, passed as a result of the national referendum and subsequent Supreme Court case on Sept. 20, 2011, that changes the constitution to require only a simple majority to determine the winner in legislative elections.

National and International Observers

Domestic observers from more than forty organizations have sought and received accreditation from the NEC to monitor the upcoming elections. A number of these groups observed and issued reports on the registration and referendum processes. We commend the efforts of Liberian civil society and their ambitious aim of deploying several thousand observers on election day, including 2,000 domestic observers under the umbrella of the Election Coordinating Committee. In addition, we note the significant attention to Liberia's elections as evidenced by expected international delegations from the African Union, ECOWAS, the Federal Republic of Nigeria, and the Electoral Institute for Sustainable Democracy in Africa.

Recommendations

To the Political Parties:

- Reconfirm their commitment to non-violent participation in the electoral process, refrain from inflammatory rhetoric or other actions that could lead to violence, and ensure that the message of peaceful participation consistent with the law is clearly and unequivocally communicated to their partisans at all levels;
- Abide by Code of Conduct for Political Parties and desist from placing posters on public buildings;
- Comply with the campaign finance regulations and report expenditures in a timely and transparent manner; and
- Document and formally submit any complaints to the relevant legal authorities.

To the NEC:

- Redouble civic and voter education efforts, particularly in rural areas and in the Southeast of Liberia;
- Ensure a high standard for trainings of polling personnel and give special emphasis to the rules for determining valid versus invalid ballots. Ensure that polling personnel are paid on time;
- Clarify the instructions to presiding officers to address underage voters in possession of a valid voter registration card whose name is on the final registration roll; and

- Take quick and strong action on formal complaints submitted by political parties, independent candidates, and civil society groups.

To the Government of Liberia:

- Ensure that all government officials, including ministers, superintendants, and mayors, are aware of the portions of the elections law concerning access to public facilities and ensure that anyone found guilty of a violation is swiftly disciplined;
- Issue a clear public statement calling on all government officials and elected officers to respect the legal division between public and private resources, and take steps to address the use of public vehicles and other public property for campaigning purposes; and
- Launch an investigation into the indefinite suspension of the managing director of LBS.

To the International Community:

- Continue efforts to provide financial and technical assistance to the NEC; and
- Closely monitor incidents of election-related violence and remain vigilant in assessing the security situation throughout Liberia and along its borders.

The Carter Center's Election Observation Mission

The Carter Center's election observation mission is working in Liberia by invitation of the NEC, consistent with the NEC's Code of Conduct for Observers and with the Declaration of Principles for International Election Observation and the Code of Conduct, which were adopted at the United Nations in 2005 and have been endorsed by 37 election observation groups. The Center commenced its observation mission at the beginning of September and has deployed four teams of long-term observers who will remain in Liberia for a period of three months, visiting all fifteen of Liberia's counties. They will be joined by a larger, short-term delegation in early October to witness the voting, counting, and tabulation processes.

The objectives of the Carter Center's election observation mission in Liberia are to: a) provide an impartial assessment of the overall quality of the electoral process, b) promote a process that is credible, transparent, and free from violence, and c) to demonstrate international interest in and support for the upcoming elections. The Center assesses the electoral process based on Liberia's national legal framework and its obligations for democratic elections contained in regional and international agreements, including the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights.¹¹

¹¹ Liberia ratified the African Charter on Human and People's Rights (ACHPR) on Aug. 4, 1982, and the International Covenant on Civil and Political Rights on Sept. 22, 2004.