**AFRICAN UNION**



**AFRICAN UNION ELECTION OBSERVATION MISSION TO THE 10 OCTOBER AND 26 DECEMBER 2017 GENERAL ELECTIONS IN THE REPUBLIC OF LIBERIA**

**FINAL REPORT**

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# ABBREVIATIONS /ACRONYMS

ACDEG African Charter on Democracy, Elections and Governance

APRM African Peer Review Mechanism

AU African Union

AUC African Union Commission

ANC Alternative National Congress

CDC Congress for Democratic Change

CSOs Civic Society Organisations

ECC Elections Coordinating Committee

EMB Election Management Bodies

EISA Electoral Institute for Sustainable Governance in Africa

EU European Union

LNP Liberia National Police

LPDP Liberia People Democratic Party

LP Liberty Party

MOVEE Movement for Economic Empowerment

NAYMOTE Naymote Partners for Democratic Development

NEC National Election Commission

NPP National Patriotic Party

PAM Pre-Election Assessment Mission

PWDs People with Disabilities

PUL Press Union of Liberia

IGP Inspector General of the Police

IPCC Inter-Party Consultative Committee

ICCPR International Covenant on Civil and Political Rights

UNMIL United Nations Mission in Liberia

UNOWAS United Nations Office in West Africa and the Sahel

UNDP United Nations Development programme

UP Unity Party

WANEP West African Network Peace Building

WSR Women Situation Room

# EXECUTIVE SUMMARY

Liberia held Presidential and Legislative (House of Representatives) elections on 10 October 2018. None of the 20 presidential candidates obtained the Constitutional requirement of 50%+1 votes to win in the first round of voting. Consequently, a second round voting was conducted on 26 December 2017 for the two leading presidential candidates – George Manneh Weah, of the Coalition for Democratic Change (CDC) and Vice President Joseph Nyuma Boakai of the ruling Unity Party (UP). On 29 December 2017, the National Elections Commission (NEC) declared George Manneh Weah winner of the run-off presidential election.

In line with its mandate of promoting democratic elections within its Member States, the African Union (AU) deployed a pre-election assessment mission (PAM) from 5 – 14 April 2017 to assess the state of preparedness for the elections, review the pre-election political context, and determine whether a conducive environment existed for the conduct of transparent, free and fair elections. Based on the recommendation of the PAM, the AU deployed twelve (12) long-term observers (LTOs), including 4 core team analysts on 2 September 2017, who remained in the country until the announcement of final results of the first round elections. Towards Election Day for 10 October and 26 December 2017 elections, the AU also deployed short-term observers (STOs) to observe the voting process.

This report presents the African Union Election Observation Mission (AUEOM)’s overall and final assessment of the 2017 elections in Liberia. The report contains detailed findings and recommendations for improvement of future of elections and the deepening of democracy in Liberia.

Below is a summary of the Mission’s key findings, conclusion and recommendations:

**Key Findings**

The 2017 elections were the third after the end of the civil war in 2005 and the first peaceful transfer of power from one democratically elected president to another since 1944. The elections also took place in a context marked by a significant decrease in international support to the country’s political processes, and a drastic scale down of United Nations peacekeeping operations. Although the self-financing and administration of the entire electoral process by Liberians represented an important step toward national ownership, it put considerable pressure on the country’s scarce resources, especially as it was still recovering from the impact of the war and the Ebola epidemic.

The elections took place within an open political environment and were generally peaceful. The campaign period was characterized by excitement and enthusiasm reflected in public rallies, media advertisements, door-to-door campaigns, and road shows organized by supporters of the different political parties. The peaceful campaign atmosphere was attributed to the willingness of Liberians to have a peaceful electoral process. This was further demonstrated in the commitment made by political parties by signing the Ganta and Farmington Declarations in June 2017. However, there were isolated incidents of violence before the elections, notably, the clashes between supporters of the CDC and Liberty Party (LP) on 20 September 2017 in Sanniquelle, Nimba County, and between supporters of CDC and UP on 21 September 2017 in Monrovia, Montserrado County.

The legal framework for the 2017 elections were generally in line with international and regional standards for the conduct of democratic elections, as it protects the fundamental rights of freedom of expression, association and assembly. However, there were concerns about what appears to be different interpretations of the Code of Conduct Act by the Supreme Court in relation to the eligibility of some candidates. Another area of concern was the fact that the electoral law was scattered among several pieces of legislation and, sometimes, lacked harmony and coherence.

The AUEOM found that despite some logistical, technical and legal challenges faced by NEC, the elections were conducted in an orderly, transparent and credible manner, and in general accordance with Liberia’s national legal framework and international commitment for democratic elections. The Mission’s observers reported that domestic observers, party agents and international observers had easy access to all stages of the electoral process. Despite some concerns about the voter registration process and printing of high number of extra ballot papers during the first round of voting, they reported that the NEC enjoyed the confidence and trust of most of the stakeholders, particularly political parties, which enhanced the credibility of the electoral process.

Despite the numerous legal challenges and complaints filed after the first round elections, which delayed the conduct of the presidential runoff election, the Mission found that NEC and the Supreme Court of Liberia adjudicated all disputes in an expeditious manner and exercised their respective duties in that regard with diligence, independence and professionalism.

There was a genuine political competition as was noted in the number of political parties and candidates that contested the elections. In total, 26 political parties and 1,018 candidates were registered for the October 2017 Presidential and House of Representatives Elections. This figure comprised 20 each for the Presidential and Vice-presidential race, and 978 candidates for the Senate and House of Representatives Elections. From the 26 registered political parties, 23 fielded candidates for the Senate and House of Representative positions and 17 for the Presidential race. The number of independent aspirants was equally large, and included six (6) tickets with independent candidates for the offices of the President and Vice-President, and 90 of them vying to be elected into the Senate and House of Representatives.

Voter Registration (VR) was carried out in a satisfactory manner, despite challenges faced at the initial phase due to faulty cameras and late start in some areas, but these were swiftly handled by the NEC and did not significantly impact negatively on the integrity and credibility of the process. Concerns were, however, raised by some stakeholders (mainly political parties and civil society) about the accuracy of the final figures released by NEC. They maintained that the final figures were either too low or too high. These concerns were, to some extent, validated by the discovery by NEC of 13,000 entries of voters with missing names, photos, wrong allocation to polling centers, and the mismatch between photos and names of voters. The absence of a National Identification System limited the ability of the NEC to carry out proper identification of eligible voters, thus raising concerns that non-nationals could have been registered.

Despite Constitutional guarantees of equality of all citizens, and Liberia’s international and regional commitments to the promotion of women’s electoral and political participation, the number of female candidates who participated in the 2017 elections was very low and represented a shortfall in the electoral process. While Liberia has included in its revised Electoral Law a provision that political parties should “endeavour to ensure” that at least 30% representation of any gender is included in their governing bodies and lists of candidates, this was not realised, partly due to its suggestive nature. The current phrasing of this provision makes it only a recommendation left to the goodwill of political parties rather than an obligation. As a result, none of the contesting parties met the 30% recommended threshold for women's participation, except the Liberian Restoration Party (LRP), which also fielded a woman presidential candidate. Notwithstanding their low participation as candidates in the 2017 elections, women were generally proactive in the electoral process as was observed in the role they played in promoting peace and calming tensions during the first round of elections.

The media in Liberia were free, vibrant and diverse but not adequately regulated. The Mission observed that the media played an important role in informing and educating the public about the electoral process. Radio stations were particularly active in disseminating information in English and local languages. Despite provisions encouraging equitable access to the media and balanced reporting of the parties’ and candidates’ campaign activities, media coverage of the elections remained unbalanced and sometimes inflammatory. This was attributed to the absence of an effective regulatory framework. Additionally, access to the television broadcast of the elections was limited to urban centres due to inadequate supply of electricity. Newspaper coverage was also limited to urban centres and those parts of the country that were accessible by road.

Polling and counting operations in the 2017 elections were generally well administered by NEC. Polling staff largely adhered to the voting procedures in almost all polling stations visited, and their competence was assessed as mostly good by AU observers. However, there were several instances of chaotic queues observed at some polling stations due to poor crowd control measures in the first round of voting, which resulted in voter frustration and tension within some voting precincts. The Mission observed, however, a marked improvement and efficiency in the management of the voting process in the second round.

Though the tabulation process at the magisterial level was conducted transparently and in accordance with NEC procedures, at the national level, there was no physical tally process observed. There was just an individual in a designated room at the NEC headquarters in Monrovia receiving and aggregating the results from the 19 magisterial offices, and the process was not accessible to party agents and observers.

**Conclusion**

In view of its assessment, the AUEOM found the conduct of the 2017 electoral process to be generally peaceful, well administered, transparent and credible, and in general accordance with Liberia’s legal framework and international obligations for democratic elections.

**Key Recommendations**

The Mission offers the following recommendations for improvement of future elections in Liberia, and these are directed to appropriate institutions:

***The Government***

* Continue to promote an open political environment and encourage active citizens’ participation to deepen the country’s democratic culture and ensure its long-term political stability, peace and inclusive development.
* Consider consolidating the various pieces of legislation relating to the conduct of elections in Liberia to ensure harmony, coherence and easy access to these documents. Also, consider amending the law that requires political parties to “endeavour” to field at least 30% of their candidates from each gender and make it mandatory. This will contribute to enhancing women’s participation as candidates in elections.
* Adopt and legislate a system of National Identification for all Liberians to allow easy identification of eligible voters during the voter registration process and ensure accuracy of the final voters’ register. Consider reviewing the law that grants the NEC semi-judicial function of hearing and disposing electoral disputes and complaints. This is in view of its limited human resource capacity to effectively handle complex legal challenges that ensued after the elections, and its broad mandate of conducting public elections in Liberia, including registering and supervising the activities of political parties.
* Consider establishing an independent media regulatory body to ensure adherence to professional journalistic standards or media code of ethics, including the principles of truthfulness, accuracy, impartiality, fairness, and public accountability.

***The National Elections Commission***

* Undertake measures to remedy the shortfalls observed in the conduct of the voter registration. In this regard, consider adoption of a biometric voter registration system using the Automated Fingerprint Identification System (AFIS) to improve on the de-duplication process, as well as allocating more time for the exhibition and verification of the voters’ register in order to enhance its accuracy, quality and credibility.
* Put in place proper crowd control measures and effective sensitisation of the public on the NEC’s system of polling station allocation to avoid voter frustration and tension within polling stations.
* Enhance the training of polling staff on effective queue management and voter identification, as well as voting and counting procedures to ensure uniformity in the conduct of elections.
* Put in place measures to ensure that tally procedures are consistently applied at all levels. Improve on the transparency of the tally process at the national level, in particular, by allowing access to party/candidate agents and observers, and providing clear procedures to be followed.

***Political Parties***

* Ensure active participation and equal representation of women as candidates and in leadership positions at all levels within political parties. In this regard, adhere to both the spirit and letter of Section 4.5 (b) of the New Elections Law, which requests political parties to have in their governing bodies and lists of candidates for election, at least 30% of each gender – a minimum representation of women reflected in regional and international standards to which Liberia has committed itself.
* Refrain from the use of inflammatory language and other forms of intimidation to foster a conducive and peaceful environment during an election. In the spirit of the ‘Farmington River Declaration’ of 4 June 2017, continue to commit to non-violent participation in the electoral process and judicial resolution of disputes.

***The Media***

* Editors of newspapers and producers of radio programmes must step in to ensure ethical and balanced reporting.
* Facilitate the establishment of an independent regulatory authority for the media with the mandate of ensuring that the media Code of Ethics and Guidelines for Reporting on Elections in Liberia are strictly adhered to.
1. **INTRODUCTION**

Following an invitation from the Government of Liberia and NEC, the Chairperson of the African Union Commission (AUC), H.E. Moussa Faki Mahamat approved the deployment of an AUEOM, which comprised four (4) Core Team Analysts, eight (8) Long-Term Observers (LTOs) who arrived in Monrovia on 2 September and 6 September 2017, respectively, to assess and report on the electoral and political environment before, during, and after the 10 October 2017 elections. In addition to the LTOs, 36 Short-Term Observers (STOs) were also deployed to observe the conduct of elections, and 24 STOs for the 26 December 2017 run-off Presidential election. The STOs were deployed on 3 October and 24 December 2017 to observe the conduct of Election Day operations for the 10 October and 24 December 2017 election, respectively.

The AUEOM to Liberia was led by H.E. Erastus J.O. Mwencha, former Deputy Chairperson of the AUC, and included experts and professionals drawn from the Pan-African Parliament (PAP), members of the Permanent Representatives Committee (PRC) of the AU based in Addis Ababa, Election Management Bodies (EMBs), independent electoral and governance experts, lawyers and Civil Society Organizations (CSOs) from 25 African countries. The Mission was supported by technical staff from the AUC and the Electoral Institute for Sustainable Democracy in Africa (EISA).

The AUEOM conducted its election observation in Liberia in accordance with the relevant AU instruments such as the 2000 Constitutive Act of the Union, the 2007 African Charter on Democracy, Elections and Governance, the 2002 OAU/AU Declaration on Principles Governing Democratic Elections in Africa, the 2002 AU Guidelines for Election Observation and Monitoring Mission, and the African Peer review Mechanism (APRM) process. All of these instruments emphasise the significant role of the AU in promoting, nurturing and strengthening of democracy and good governance on the continent. The Mission also assessed Liberia’s 2017 elections against international and regional instruments and standards for democratic elections such as the 1948 Universal Declaration on Human Rights (UDHR), the 1976 International Covenant on Civil and Political Rights (ICCPR), the 2005 Declaration of Principles on International Election Observation, the 2001 Protocol on Democracy and Good Governance of the Economic Community of West African States (ECOWAS), as well as Liberia’s national legal framework.

The objectives of the AUEOM to Liberia were to: (a) provide an accurate, impartial and objective assessment of the preparations, quality and conduct of the 2017 elections in Liberia; (b) assess the extent to which the elections complied with regional, continental and international principles for democratic elections which Liberia has ratified and committed itself to uphold, as well as compliance with the legal framework of Liberia; (c) offer recommendations for improvement of future electoral processes; and (d) demonstrate the AU’s solidarity and support for Liberia’s democratic and electoral processes to ensure that the conduct of genuine elections will contribute to the consolidation of peace and stability in the country.

To achieve its objectives, the AUEOM undertook the following activities:

* Briefed and deployed long-term observers and a core team of electoral, political and legal experts across Liberia to assess electoral preparations, the legal framework, voting operations, and immediate post-election period for the 10 October 2017 elections, as well as initial preparations for the 26 December 2017 presidential runoff election.
* Briefed and deployed 36 and 24 short-term observers across the country to cover voting operations for the 10 October and 26 December 2017 elections, respectively.
* Held regular meetings and consultations with representatives of various political parties, the NEC, police, civil society groups and other relevant electoral stakeholders at national and county levels.
* Directly observed key electoral processes, including campaigns by political parties and candidates; training of electoral personnel & domestic observers by the NEC; simulation of the transmission of results; distribution of election materials by NEC; opening and voting procedures; closing and counting procedures; tabulation, transmission and announcement of results.
* The Mission leadership held high-level meetings with national stakeholders including President Ellen Johnson-Sirleaf, the incumbent Vice-President and presidential candidate of the Unity Party, Mr. Boakai Joseph Nyuma; the main opposition (CDC) presidential candidate, Mr. Weah George Manne, the Chairman of NEC, various Government officials; Civil Society Organisations, members of the African Diplomatic Corps; Political parties and Heads of International Election Observation Missions (IEOMs) present in Liberia. The high-level meetings held before, during and after Election Day enriched the Mission leadership’s understanding of the background and context of the elections, and also formed part of the preventive diplomacy strategy of the Mission to reduce tensions and promote peaceful elections.
* Issued three (3) public statements sharing its preliminary findings and conclusions, as well as offering recommendations for immediate action by the stakeholders concerned.
* Held pre- and post-election meetings with heads of IEOMs present in Liberia to share findings, coordinate release of preliminary statements, and agreed on strategies to ensure a peaceful electoral outcome.

This report presents the AUEOM’s final and overall findings and assessment based on its direct observations as well as consultations held with key electoral stakeholders at national and local levels. It provides an in-depth analysis of the Mission’s findings and recommendations for improvement of future electoral processes in Liberia.

## BACKGROUND TO THE 2017 ELECTIONS

The 2017 elections were the third after the end of the civil war in 2005 and the first peaceful transfer of power from one democratically elected president to another since 1944. The elections also took place in a context marked by a significant decrease in international support to the country’s political processes, and a drastic scale down of United Nations peacekeeping operations. Although the self-financing and administration of the entire electoral process by Liberians represented an important step toward national ownership, it put considerable pressure on the country’s scarce resources, especially as it was still recovering from the impact of the war and the Ebola epidemic.

The 2017 elections also symbolised a historic moment for Liberia – being the first post-war transfer of power from one democratically-elected president to another since 1944, and thus offered an opportunity for Liberia to further consolidate and deepen democracy and peace.

During the pre-electoral period, there were concerns about election related violence. This was against the background of the country’s tenuous post-conflict environment compounded with historical accusations of electoral fraud, boycotts and rejection of the results, and capacity of political parties to mobilise supporters, especially unemployed youth to protest unfavourable election outcome. Against this background, there were repeated calls from stakeholders for concerted efforts aimed at ensuring a peaceful political transition. The Ganta[[1]](#footnote-2) and Farmington[[2]](#footnote-3) Declarations were a significant feature of the efforts made by ECOWAS and national stakeholders, particularly political parties, to ensure the peaceful conduct of the 2017 elections.

The political context and environment ahead of the 2017 elections were also compounded by issues related to adherence to the 2014 Code of Conduct Act[[3]](#footnote-4), with ramifications that could have barred some potential candidates from contesting the presidential and legislative elections, the lingering grievances persisting from previous election-related disputes, and failure to implement the recommendations of the 2009 Truth and Reconciliation Commission (TRC) Report[[4]](#footnote-5). Furthermore, there were concerns over potential challenges of the NEC and Security Services in effectively carrying out their mandate in light of the significant withdrawal of international assistance in support of the elections. Against all this background, the elections were, therefore, a test for the ability of Liberians to ensure that the country transitioned from its fragile political condition towards the path of consolidating democracy and sustainable peace.

The AUEOM assessed Liberia’s 2017 Presidential and Legislative elections within the context of a traumatic and long civil war and the Ebola epidemic, as well as the limited infrastructure development and international financial support – all of which have implications on the way the elections were conducted. While these factors were important considerations in its assessment of the organisational capacity of the country, the AUEOM was of the view that they should not compromise the conduct of free, fair, transparent and credible elections.

## PRE-ELECTION FINDINGS

## Legal Framework for Elections

An all-encompassing legal framework is crucial for the effective management of democratic elections. The legal framework governing Liberia’s 2017 elections includes the 1986 Constitution of Liberia; the New Elections Law (as amended in 2014); the 2014 Code of Conduct Act; the Revised Code of Conduct for Political Parties; and the regulations and procedures of the NEC. In addition, Liberia is a state party to a series of regional, continental, and international instruments that are relevant to the electoral process[[5]](#footnote-6) and has taken important steps to align its national legislation with its regional, continental, and international obligations.

The AUEOM assessed that Liberia’s legal framework for the 2017 elections generally complied with international standards for democratic elections. The Constitution of Liberia guarantees the fundamental rights and freedoms of citizens, including the freedoms of expression, association and assembly, and their equality before the law. The Constitution also guarantees the right of political participation through the right to vote and the establishment of political parties. It further provides for the holding of regular elections by secret ballot and universal adult suffrage to elect the President, Vice President and Members of the Legislature, hence reflecting the universal principle that the will of the people is the basis for the authority of government, which is determined through genuine periodic elections.[[6]](#footnote-7)

In addition to the principle of genuine and freely contested elections enshrined in the Constitution, the Liberian legal framework places legal limits to campaign financing[[7]](#footnote-8), provides citizens with effective remedial mechanisms throughout the electoral process, including challenging election results[[8]](#footnote-9), as well as stipulates measures to achieve de facto gender equality for political representation.[[9]](#footnote-10) These provisions of the legal framework are in keeping not only with Liberia’s international commitment for the conduct of democratic elections but also its observance of human rights and the rule of law.

While Liberia’s legal framework is comprehensive in that it governs all aspects of the 2017 electoral process, nonetheless, the AUEOM took note of the following shortcomings in the legal framework:

1. The Code of Conduct Act requirement that presidential appointees resign their positions 2 to 3 years before an election is an unreasonable restriction on the right of political participation and contradicts Liberia’s international commitments preserving the civil and political rights of citizens. The timeframe stipulated for resignation of the persons concerned is also very long. While the AUEOM was unable to verify allegations of ‘selective’ application of the Code with emphasis placed more on enforcement of aspects that relate to elections than others that deal with, for instance, corruption and nepotism in public office, the controversy surrounding its implementation by NEC and subsequent controversial interpretation by the Supreme Court could have been avoided to create a more conducive political environment.
2. The legal framework makes no provision for public funding of political parties, which may have limited the ability of some political parties to participate and compete in the electoral process on a level playing field.
3. The residency requirement for President and Vice President is quite long. Article 52 (c) of the Constitution requires any person wanting to become a President or Vice President to be resident in Liberia ten years prior to his or her election. It is also not clear whether or not this provision requires continuous residency.
4. The Constitutional provisions on the run-off under article 83 (b) failed to take into account the timeframe on complaints and challenges provided under article 83 (c). There is therefore a conflict between the two sub-articles of the same provision in that article 83 (b) provides for a specific date when the runoff would be conducted[[10]](#footnote-11) while article 83 (c) provides for the right to challenge and complain, whose timeframe goes beyond the set run-off date by several days[[11]](#footnote-12). Section 4.15 (a) of the New Elections Law supports article 83 (b) and enhances the confusion. As a consequence of these scenarios, the Supreme Court gave preference to article 83 (c) and allowed exhausting the timeframes as established under this article.
5. Although the legal framework is comprehensive, it is highly fragmented with many of its provisions contained in different documents, which makes it cumbersome and less accessible to those who take part in the elections. It was also not clear the legal effectiveness or enforceability of some of the various codes of conduct issued for the elections, as they are voluntary, even though some of the issues they deal with are substantive. For instance, the media and political parties codes of conduct.
6. The neutral, but overly flexible or non-obligatory language used in the New Elections Law that requires political parties to “endeavour” to ensure that at least 30% of their candidates for election are from each gender does not provide a motive for compliance with this legal provision by political parties, thus contributing to the low women participation as candidates in the elections.

## The Electoral System

The electoral system[[12]](#footnote-13) is an important element of the electoral process as it is the mechanism by which the votes cast are translated into political mandate and also ensures that the electorate can hold their elected officials accountable. While there is no internationally prescribed type of electoral system, States are, however, obligated under international law, to ensure that their choice of electoral system(s) allows for inclusiveness, transparency and equality of suffrage besides the upholding of fundamental rights and freedoms.[[13]](#footnote-14)

Liberia uses the First-Past-The-Post (FPTP)[[14]](#footnote-15) electoral system for all public elections, except the presidential election, which is determined by an absolute majority of valid votes cast (50 percent plus one)[[15]](#footnote-16). If no candidate attains this threshold, a runoff is to be held on the second Tuesday following the final announcement of the election results by NEC. The two candidates that received the highest number of valid votes in the first round of the elections are allowed to contest in the runoff.

While Liberia took necessary steps to make clear legal provisions regarding the electoral system and boundary delimitation, and the electoral system used in the 2017 elections was broadly in line with its international obligations, the principle of equality of suffrage was not met due to the fact that electoral constituencies were not drawn using the latest census data as mandated by the Constitution.

## Election Management

An independent, impartial and effective electoral management body (EMB) that implements its mandate transparently and professionally and in a manner that upholds national law and international obligations is critical for ensuring the integrity of the electoral process and the advancement of electoral rights of citizens.[[16]](#footnote-17)

The National Elections Commission (NEC) is an autonomous body established by the Constitution of Liberia and charged with responsibility to conduct elections for all elective public offices and administer and enforce all election laws. It is composed of seven (7) commissioners, of which, one is Chairman and another, Co-Chairman. All the commissioners are appointed by the President with the advice and consent of the Senate (the Upper House of the Legislature) and they each serve a seven (7)-year tenure[[17]](#footnote-18). The Commission is likewise self-accounting and enjoys financial autonomy as it is funded directly through the National Revenue of Liberia. The NEC has a permanent Secretariat based in Monrovia that manages the day-to-day operation of the institution, as well as 19 permanent offices in all the Country’s Counties.

The AUEOM found that despite funding, logistical and legal challenges the NEC generally enjoyed confidence amongst stakeholders and managed to execute its mandate independently and professionally throughout the whole election process. Some of the notable actions of the NEC that enhance trust and confidence in the electoral process included regular updates on the electoral process and interactions with stakeholders, easy accessibility, the use of a Short Message Service (sms) system to help voters identify their voting stations. The other was the full clean up of the Final Registration Register (FRR) to ensure that duplicate names and identification numbers of voters were removed ahead of the second round election. The notable shortcomings, however, were the poor crowd control and voter identification measures during the first round elections that deprived a significant number of voters their right to vote.

## Voter Registration

Effective, inclusive and accurate voter registration is essential to the protection of the right to vote or participate in public affairs. It also contributes to enhancing the credibility of the electoral process and fulfilment of a country’s international obligations for democratic elections.[[18]](#footnote-19)

The Constitution of Liberia provides guidelines for voter registration.[[19]](#footnote-20) The New Elections Law and NEC’s Regulations of 12 August 2016 also provide detailed procedures for the registration of voters. To prepare for the 2017 elections, the NEC compiled a new voter register from 1 February 2017 to 14 March 2017. At the end of the registration process, a total of 2,183.629 voters were registered in 2080 registration centers, which later became voting precincts. This was an 18% increase from the 2011 elections, which the NEC attributed to the intensive civic and voter education efforts targeting first time voters.

Although the AUEOM was not present when voter registration was conducted, it discussed the voter registration process with stakeholders at national and county level. The stakeholders consulted reported that the process was credibly done despite the initial slow start due to faulty cameras and equipment. However, there were concerns about the accuracy of the Final Registration Register (FRR). These concerns were, to some extent, validated by the discovery by NEC a total of 13,000 entries with missing names or photos, mismatch between photos and names, and wrong allocation of voters to polling precincts. The problems noted in the FRR were also observed on Election Day when some voters were seen turned away. The AUEOM recognised that the absence of a national identification system, partly contributed to claims that non-nationals were included in the FRR.

Transparency and verifiability are some of the key features of an effective voter registration process. Public exhibition of the voter register helps build legitimacy and confidence of stakeholders in the electoral processes. In line with the New Elections Law NEC’s Voter Registration Regulations, the provisional voter register was exhibited from 12 to 17 June 2017 and certified on 28 July 2017. Although the five (5) day period allocated for the voter exhibition exercise were manifestly short and some magisterial offices did not display the register as required by law, NEC took additional steps to ensure voters were able to check and verify their registration details through establishing an online platform and Short Messaging System (SMS). Despite this, the issue of the voters register remained a contentious issue, and it was one of the problems that formed part of the disputes in the run-up to the second round election.

## Voter Education

A comprehensive and effective voter education program constitutes a critical element in the electoral process, not only by aiding voters to effectively exercise their right to vote, but also to understand and have confidence in the entire electoral process.

As the principal body responsible for election implementation, NEC bear primary responsibility for voter education in Liberia. To fulfil this responsibility, the NEC undertook a range of activities in cooperation with civil society organisations. It launched a national voter education campaign on 20 December 2016, which continued right up to the final days of the election period. The program targeted several ethnic communities, women, youth and groups with special needs, and was delivered in local dialects. NEC also provided funding to local organisations, including women's organisations, to carry out voter education programs.

Notwithstanding these efforts, the AUEOM noted stakeholder concerns on the late roll out of voter education that was geographically limited in scope and as such did not reach many rural areas. CSOs were to complement the voter education efforts of NEC but failed to do that effectively because of late delivery of materials. In addition, civic and voter education programs were also impeded by several factors including inadequate funding from NEC, bad weather conditions, and inaccessibility of some counties, making transportation of materials to such areas extremely difficult.

## Candidates and Parties Registration

Liberia’s Constitution recognises that candidates and political parties are important stakeholders in the electoral process and the functioning of democracy. Accordingly, the Constitution, New Elections Law and NEC Regulations each establish obligations related to the registration of political parties and nomination of candidates, as well as the conditions under which political parties and candidates operate.[[20]](#footnote-21) This is consistent with Liberia’s international obligations.[[21]](#footnote-22)

The NEC administered the registration of political parties and candidate nomination process. A total of 26 political parties were registered but only 23, including one coalition, contested the elections. Candidate nomination took place from 19 June to 11 July 2017, and at the end of the nomination process, the NEC published the list of accepted candidates, which totalled 1,024. This figure included candidates for presidential, vice presidential and legislative assembly.[[22]](#footnote-23)

While the registration of political parties was carried out smoothly and transparently, and political parties and candidates were able to function freely without inhibition of their rights to associate, assemble and communicate with voters, there were key challenges related to the nomination of candidates. In particular, the enforcement of provisions of the 2014 Code of Conduct for Public Officials, which several stakeholders deemed as unfair and intended to exclude certain candidates from the presidential race. Although the matter was ultimately referred to the Supreme Court and some affected candidates were cleared by the Court, it was not without serious controversies in the run up to the elections, particularly so as some of the affected candidates lost valuable time to embark on campaigns due to the uncertainty of their participation.

Beside the key challenges noted in the application of the Code of Conduct, the property and residency requirement for presidential and vice presidential candidates as outlined in Article 52 (b) (c) of the 1986 is quite excessive. Equally the nomination fee for candidates at all levels is high. Property ownership and residency requirement, coupled with the high nomination fees create an uneven playing field for citizens and political parties interested in contesting in the elections. In particular, some interlocutors associated the low level of women contesting in the elections to their inability to raise funds to pay nomination fees and/or finance campaign activities.

## Campaigns and Campaign Finance

The official campaign period for the October 2017 elections began on 31 July and ended on 8 October 2017, while the campaign period for the presidential runoff began on 12 December and ended on 24 December 2017. The campaign period in both the first and second rounds was highly competitive but generally peaceful. It was characterized mostly by excitement reflected in the gathering of tens of thousands of enthusiastic supporters on the streets, at football stadiums, or at the parties’ headquarters[[23]](#footnote-24). Supporters were seen in colourful party paraphernalia, played loud music in vehicle convoys during major campaigns in Monrovia and other urban centres. The peaceful manner with which the campaigns unfolded was largely attributed to the general willingness of Liberians for peaceful elections, as was demonstrated through the signing of both the Ganta[[24]](#footnote-25) and Farmington Declarations[[25]](#footnote-26).

AUEOM further noted that for the first time in the electoral history of Liberia, three presidential debates and one vice presidential debate were held in the run up to the elections[[26]](#footnote-27). While participation by candidates of the major political parties was disappointing, the debates generally offered candidates who participated an opportunity to converse their respective campaign agendas in their manifestos to the electorates. The debates similarly provided a platform to advance political tolerance and diversity of opinions.

Notwithstanding the generally peaceful political environment in which the campaign took place, there was little policy difference among the contesting political parties. On one hand, that the incumbent party campaigned on its key achievements in the areas of peace and stable governance, infrastructure expansion and macroeconomic stabilisation and thus campaigned mostly on a platform for continuity. On the other hand, the opposition parties campaigned on investment in infrastructure, job creation, mechanized agriculture for increased food production and processing, prudent public spending and zero tolerance to corruption particularly in the public sector.

Liberia’s international and regional commitments oblige it to take necessary measures to prevent the perpetration of fraud and corruption and ensure transparency throughout the whole electoral process, including during electoral campaigns.[[27]](#footnote-28) Accordingly, the legal framework for elections in Liberia contains rules governing campaign finance and funding of political parties[[28]](#footnote-29). It requires every political party and candidate to submit annually a detailed financial statement that includes sources of funds and assets, plus expenditures, and also sets restriction on contributions made to political parties and election campaign expenses. The legal framework empowers the NEC to regulate, monitor and ensure compliance of funding and campaign finance rules by political parties and candidates.

Notwithstanding the comprehensive rules governing campaign finance and funding of political parties and candidates in Liberia, there were shortcomings noted by the AUEOM. Firstly, the Mission noted that the NEC lacked the capacity to fully implement legal provisions governing political party funding and campaign finance. The AUEOM found that only 9 out of 26 political parties met NEC’s deadline requirement set for 10 September 2017 for submission of report on Assets and Liability, Proof of Publication and Bank Statements, in compliance with Article 83 (d) of the Constitution. Secondly, there was no public financing for political parties and candidates. The Public Financing of Political Parties Act passed by the Legislature never came into practice because President Sirleaf did not sign it. Without a reasonable public funding for election campaigns and/or functioning of political parties (particularly those represented in parliament), it would be difficult to foster a balanced and transparent system of political party financing. Political parties and candidates may not adhere to full disclosure of campaign finances as required by law if they rely largely on private sources of funds for campaigns. In this regard, the integrity of the electoral process could be impacted negatively by clandestine or opaque financial aid, and an uneven electoral playing field may also ensue to the advantage of particular parties.

While the line between official business and campaigning is not always easy to draw, the AU observers witnessed instances of abuse of state resources in Montserrado, Bong and Grand Bassa counties, particularly state-owned vehicles, in the campaigns of some parties, especially the incumbent party. The abuse of state resources during campaigns not only contravenes Liberian laws, it can be a major corruptive force in the electoral process in that it can introduce or exacerbate power inequalities and give unfair advantage to certain parties and candidates, particularly incumbents. The AUEOM believes that these abuses, if not curtailed, can compromise the integrity of the electoral process, undermine competitiveness, create an unlevelled playing field, and ultimately reduce public trust in the legitimacy of the process and its outcomes.

## Participation of Women

The equal participation of women is a fundamental right recognized and guaranteed in all international human rights instruments[[29]](#footnote-30), and an important element in the delivery of free, fair and inclusive elections and the promotion and exercise of a democratic culture. Under these instruments, State parties are obliged to take necessary measures to encourage the full and active participation of women in the electoral process and ensure gender parity in representation at all levels, including legislatures. Consistent with international obligation, Liberia’s Constitution confers full and equal rights to all citizens, irrespective of their sex, age or ethnic background.[[30]](#footnote-31) The Constitution also grants every Liberian citizen aged 18 years and above full political rights, including the right to participate in public elections and referenda.[[31]](#footnote-32) Liberia has also included in its revised electoral law a provision that political parties should “endeavour” to have at least thirty percent representation of any gender in its governing bodies and list of candidates for elections[[32]](#footnote-33) – a measure meant to promote women political participation.

Further, on 31 May 2017, the NEC adopted the Gender Mainstreaming Policy, which was inspired by the Constitution, the New Elections Law, the National Gender Policy (2009) and key Liberian National Development Strategies. The goal of the Gender Mainstreaming Policy is to contribute to achieving the equal participation and representation of Liberian women and men in all aspects of electoral process as voters, candidate, electoral staff, observers, and party agents, amongst others. Accordingly, the NEC identified a number of objectives, including ensuring a gender responsive Commission, and also developed an implementation plan to further demonstrate its commitment towards gender equality in the electoral process. Some of the gender related activities undertaken by the NEC include organising a string of workshops and seminars for electoral stakeholders on gender in the electoral process and setting up of gender committees in each of the fifteen counties of Liberia.

Liberian civil society organisation also played key role in complementing the efforts of the NEC in promoting women participation in the electoral process. In particular, the Women Situation Room (WSR) was as very proactive in mobilising women in collaboration with youth to ensure their active participation in peaceful and democratic electoral processes.

Although the legal framework does not discriminate against women, and notwithstanding efforts to promote women participation in the electoral process and the fact that Liberia has a woman as President, and women account for more than half of the country’s population, the AUEOM observed a very low participation of women as candidates in the 2017 elections. Out of 1,024 candidates in the 2017 elections, only 162 were women[[33]](#footnote-34). While this figure showed an increase in the number of women contestants when compared to 2005 and 2011 elections[[34]](#footnote-35), it falls short of the thirty percent minimum threshold envisaged in the revised electoral law. With the exception of the Liberian Restoration Party (LRP), which also fielded the only woman presidential candidate, none of the contesting political parties met this threshold.

## Civil Society Participation

The right of citizens to associate and participate in activities of nongovernmental or civil society organisations (CSOs) is recognised in public international law, and states are required to create conducive conditions for such organisations to exist and operate within the law.[[35]](#footnote-36) CSOs play an important role in assessing and safeguarding democratic elections. Some of the important activities of CSOs during an election period include voter education and citizen observation.

Consistent with its international obligations, Liberia’s legal framework allows for the existence of civil society groups, and the country has a large and diverse number of CSOs comprising women, youth, disabled, minority communities and faith-based that were actively involved in the electoral process. Throughout the process, CSOs vibrantly engaged in advocacy for electoral reforms, voter education, peace building and conflict prevention efforts, and election observation.

The AUEOM noted that the electoral process benefitted greatly from the work of CSOs such as the Election Coordination Committee (ECC), the Women’s Situation Room (WSR), and the West African Network for Peacebuilding (WANEP) and the Partners for Development (NAYMOTE). These CSOs carried out activities including election observation, risk mapping and early warning, and youth sensitisation and mobilisation, which contributed to a peaceful and credible elections. Apart from concerns about funding challenges, the AUEOM did not receive any complaints about restrictions on the activities of CSOs.

## Role of the Media

The media play a key role in the electoral process by providing information to voters and a platform for political parties and candidates while also serving a “watchdog” function. The media’s role in democratic elections is recognised in several international human rights instruments related to freedom of expression, opinion, and the right to access, receive and impart information through various media sources.[[36]](#footnote-37)

Consistent with its international obligations, Liberia’s Constitution makes freedom of speech and of the press a fundamental right of citizens, bars any limitation on the public right to be informed, and guarantees access to the state owned media, which cannot be denied because of disagreement with or dislike of the ideas expressed.[[37]](#footnote-38) To further strengthen press freedom, the Government of Liberia passed the Freedom of Information Act in 2010, which recognizes that access to information is a fundamental right guaranteed by the Constitution, and provides for measures for the effective, equitable and inexpensive exercise of the right of access to information. In addition, a voluntary code of conduct for media practitioners exists that sets minimum standards for covering the elections, including accurate, fair, balanced and impartial reporting on all activities of political parties and candidates.

While the AUEOM did not carry out a comprehensive analysis of the media coverage during the elections, it noted that the media landscape in Liberia was free, vibrant and diverse. According to the Press Union of Liberia, there are over 100 media houses or radio stations in the country, which are mostly community based. There are over 30 newspapers, some of which are available online. There are also a handful of television stations, including a network run by the state broadcaster, Liberia Broadcasting System (LBS), and several privately owned television stations. The Mission observed that radio stations were particularly very active in disseminating information in English and local languages. Newspapers also cover the election, but their coverage was limited to urban centres and other parts of the country that are accessible by road. Social media such as WhatsApp group links, live Facebook feeds as well as several other websites provided additional opportunity for the public to access timely and relevant election related information. The NEC Media Center in Monrovia also provided an opportunity for accurate information dissemination and timely response and clarification of election-related issues.

Although the media has been instrumental in informing and educating the public about the electoral process, there were concerns about its coverage of the elections. The Mission found that the media remained largely unbalanced and sometimes inaccurate. Some stakeholders attributed this to the absence of effective regulation. There is also no legal provision compelling the state broadcaster to provide equal access to candidates and political parties, and the media regulatory framework remains largely ineffective, which may have exposed the public broadcaster in particular to undue influence and created an unlevelled electoral playing field. The Mission also noted biased and sensational reporting by some media houses, particularly privately owned media outlets, with deliberate attempts to defame political opponents.[[38]](#footnote-39)

## Electoral Dispute Resolution

Disputes invariably arise before, during and after an election. And the credibility of the electoral process is determined to a large extent by the ability of the State or Election Management Body (EMB) to effectively resolve disputes or challenges arising from the conduct of elections. Given the importance of dispute resolution mechanisms to the enjoyment of rights, in particular, the right to remedy, states have international obligations to ensure that these mechanisms take place within the principles of the rule of law, including transparency, fairness, impartiality and expeditious hearing[[39]](#footnote-40).

Liberia’s electoral dispute resolution mechanisms include both formal judicial proceedings and informal alternative dispute resolution procedures through the Inter-Party Consultative Committee (IPCC) - the latter was established in 2005 by Political Parties and NEC. The election dispute resolution framework is guided by the Constitution, which grants sole powers to the NEC and Supreme Court to hear and resolve all complaints or disputes relating to the conduct of elections in Liberia. The Constitution, theNew Elections Law, and NEC’s Regulations on Complaints and Appealsand Election Hearing Proceduresencompassed comprehensive processes and timelines to be adhered to for addressing electoral disputes. The NEC has original jurisdiction over the election law, regulations and codes of conduct, and the Supreme Court is the final arbiter of constitutional issues including those relating to electoral rights.

Multiple election-related disputes or cases were filed with the NEC and Supreme Court before and after the 10 October 2017 elections. This mainly involved challenges to the eligibility of candidates, petitions against the decisions of the NEC on key parts of the electoral process, and validity of the final results of the October 2017 elections. The NEC and the Supreme Court resolved most of the pre-election disputes effectively and expeditiously. However, the post-election dispute between the presidential and vice presidential candidates of the Liberty Party (LP) on one hand and the NEC on the other, over alleged election irregularities and fraud led to the postponement of the conduct of the run-off presidential election, which was originally scheduled for 7 November 2017. Although the Supreme Court later decided against the LP’s petition for lack of sufficient evidence, and the runoff presidential election was eventually held on 26 December 2017. The ‘Stay Order’ decision on 1 November 2017, which prohibited the NEC from proceeding with the runoff election until the NEC had decided on the complainants’ created uncertainty among many stakeholders who were concerned about the potential political fallout and the constitutional problems that might arise if the election was not held on time. The Supreme Court’s decision also led to subsequent complaints from the presidential and vice presidential candidates of the ruling Unity Party (UP), who intervened in the original matter filed by the LP as an interested party. The UP’s intervention led to a lengthy legal review process that almost overstretched NEC’s capacity to effectively and expeditiously handle the original matter and other pending matters, and thus nearly derailed the electoral process.

Despite the numerous disputes and challenges filed throughout the 2017 electoral cycle, the AUEOM assessed Liberia’s election dispute resolution mechanisms as quite effective and in compliance with its international obligations. Both the NEC and the Supreme Court acted in a manner that was transparent, fair and impartial during hearings of cases filed by complainants. Throughout its presence in Liberia, the Mission did not observe or receive any report where the right to effective remedy was denied.

## ELECTION DAY OBSERVATION – 10 OCTOBER 2017 ELECTIONS

The effective implementation of Election Day procedures is critical to the enjoyment of electoral rights and the acceptance of results. States also have international obligations to ensure voting operations facilitate broad participation of eligible voters. In view of the significance of voting process to the credibility of the overall electoral process and the determination of the will of the people, the AUEOM deployed an additional 36 short-term observers on 8 October 2018 to cover the opening, voting, and closing and counting procedures in all the fifteen counties in Liberia. In total, the Mission observed opening and closing in 19 voting precincts (15 of these were in urban areas), and voting in 166 precincts. Overall, the Mission assessed the conduct of voting operations as generally peaceful and transparent, with long queues of voters observed throughout the day. However, it was somewhat marred by improper crowd management in several voting precincts visited. Below are the detailed findings of the Mission on Election Day:

## Opening

Most of the polling stations visited opened on time at 8:00 a.m., except a few that opened late, primarily due to the late arrival of materials, delays in setting up of the precincts and, in some cases, late arrival of party agents. The atmosphere inside and outside of the polling precincts visited was generally peaceful and calm, although some precincts were rowdy due to poor crowd control measures. There were no campaign materials and activities observed in the majority of precincts visited, except in a couple of cases where canvassing was observed within the prescribed limits of the precincts. Also, polling staff largely adhered to opening procedures, and their competence was rated as mostly very good by AU observers.

## Polling

Voters turned out in large numbers in the 166 polling precincts visited, with long queues of voters observed throughout the day. In these voting precincts, voting was generally peaceful with no incidence of violence was noted. However, disorderly crowds were observed in several polling precincts due to poor control measures and delays in identifying voters on the register. In several of the polling precincts visited, there were instances of voters being turned away or not allowed to vote due to various reasons, including being in the wrong polling precincts, missing and mismatched details in the voters register.

In all polling precincts visited, accredited party and candidate agents and domestic observers were present and were active and conversant with polling procedures. They were also allowed to carry out their functions without restriction.

The polling precincts were located in public places that were generally accessible to voters, including those with disabilities, and were laid out in a manner that allowed for easy flow of voters and ensured the secrecy of the vote. However, a sizeable number was located on high grounds and storey buildings. In some cases, the long distance between polling precincts in rural places was deemed inaccessible to voters with special needs. Sufficient resources, human and material, were available at each polling precinct visited.

Priority voting was given to persons with disabilities, the elderly and breastfeeding mothers, which allowed their participation in the electoral process. Assistance was also given to voters unable to vote independently, but this was deemed impartial and done in accordance with NEC’s procedures. Security personnel were visibly present outside in most of the precincts visited but were mostly non-intrusive and professional.

Proper voting procedures, including identification and verification measures were followed in 98% of the precincts visited, which shows that polling staff were adequately trained in the determination of eligible voters. However, this was not the case in three (3) precincts, where AU observers reported that polling staff allowed voters to vote without the required identity documents. Nevertheless, AU observers assessed the conduct of the polling process as mostly good or very good in the majority of polling precincts visited.

## Closing and Counting

The polls closed on time at 6:00 p.m. in eleven (11) of the nineteen (19) precincts observed, while it remained open for an average of one hour in the remaining 8 precincts to allow voters in line to cast their ballots and to compensate for the lost time during the opening period. After closing of polls, the counting process took place peacefully and in an environment free from intimidation. The process was also done in a transparent manner and in full view of party agents and observers. However, there was inadequate lighting in 6 of the precincts visited.

Polling staff properly followed the closing and counting procedures in most of the polling precincts observed. They correctly counted and consistently ascertained the validity of ballots, according to NEC’s procedures in determining the clear intent of the voter. However, in a few cases, AU observers reported that the presiding officers failed to properly administer reconciliation procedures, and there was general misunderstanding of the criteria for determining valid and invalid votes by some party agents.

In 14 of the 19 polling precincts observed, copies of certified result sheets were given to party agents and immediately displayed outside the precincts as required by law. Party and candidates' agents and domestic observers played a positive role and appeared to understand and adhere to the required procedures. Overall, AU observers assessed the closing and counting process as very good.

## POST-FIRST ROUND ELECTION DEVELOPMENTS

## Tabulation of Results

The accurate and transparent aggregation of votes cast is critical in protecting the will of voters and ensuring the integrity of the electoral process. Recognising the importance of tabulation of results in the electoral process, the NEC promulgated specific procedures in May 2016 for tallying votes and management of results in general. According to the NEC’s Tally Procedures, the tally process for the 2017 elections was conducted at the 19 magisterial offices across the country. The process started immediately after the arrival of three Tamper-Evident Envelopes (TEE) – TEE1, TEE2, and TEE3 from voting precincts within their respective areas. Once the TEEs had been delivered, the tally process proceeded in four steps: (1) intake of the TEEs at the tally center; (2) copying and issuing copies of the Record of the Count forms to the party agents and observers present; (3) entering the results into the database; and (4) storage of the processed TEEs. Results from the tally process at the magistrate offices were then transmitted electronically to NEC National Tally Center at a pre-determined time on a daily basis, until the tally process was concluded. The National Tally Center maintains an electronic tally in the database for every polling place in Liberia.

The tally process was smooth and orderly, and no TEE was missing or showed any signs of tampering of results. However, some TEEs contained computational errors, empty fields, discrepancies, and other mistakes, and were quarantined. In most cases, the errors were easily discovered and rectified in the presence of party and candidate agents and observers. Sometimes the problems were rectified by recounting of votes. The AUEOM observed an earnest effort on the part of magisterial staff to correct discrepancies with the consent of party and candidate agents and guidance from NEC headquarters in Monrovia. In all cases observed, magisterial staff followed the tally procedures and did not alter the number of votes received by any candidate. Overall, the tally process at the magisterial level was conducted transparently and in accordance with NEC’s tally procedures. The process was also carried out in a manner that ensured the will of the voter was respected.

Although the tally process at the magisterial level was conducted transparently and in a manner that ensured the will of voters was respected, AU observers reported that, at the national level, there was no physical tally center. There was just one person in a designated place at NEC headquarters receiving and aggregating the entire results from the 19 magisterial offices, and the process was not accessible to parties’ or candidates’ agents or observers – a situation that surprised many international observers and which seemed to have contradicted NEC’s practice of conducting open and transparent elections.

**Transmission and Announcement of the Final Results**

As the receipt and tallying of votes took several days in many counties, the NEC regularly kept the public updated with progressive tally reports during the course of the tally through press conferences at its headquarters in Monrovia. After all results had been received electronically from the counties to the National Tally Center, the NEC Board of Commissioners announced the final results of the 10 October 2017 Presidential and House of Representative elections at a press conference on Thursday, 19 October at 4:00 p.m. The results were announced, 9 days after the 10 October poll, and 6 days ahead of the legally stipulated deadline of 25 October for announcement of final results. According to the final results announced, the total valid votes were 1,553,348, and the invalid votes were 88,574, thus making a total of 1,641,922 votes cast in the 10 October 2017 elections, representing a turnout of 75.2%. The table below shows the total number of votes garnered by each of the top five presidential candidates.

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of Candidate** | **Political Party** | **Votes Gained** | **Percentage (%)** |
| George M. Weah | Coalition for Democratic Change (CDC) | 596,037 | 38.4 |
| Joseph N. Boakai | Unity Party (UP) | 446,716 | 28.8 |
| Charles W. Brumskine | Liberty Party (LP) | 149,495 | 9.6 |
| Prince Y. Johnson | Movement for Democracy and Reconstruction (MDR) | 127,666 | 8.2 |
| Alexander B. Cummings | Alternative National Congress (ANC) | 112,067 | 7.2 |
| Others (combined) |  | 121,367 | 7.8 |

 **Source: NEC website:** [**http://www.necliberia.org/results2017/**](http://www.necliberia.org/results2017/)**.**

None of the above presidential candidates was able to meet the mandatory constitutional threshold of 50% plus one valid votes cast to win. Consequently, the NEC officially declared a runoff presidential contest between the top two candidates – Geroge Weah and Joseph Boakai, and also declared the campaign period for runoff election open from 19 October to 5 November.

## Runoff Developments

Following the first round of the elections, the political atmosphere remained largely calm and peaceful, with the two leading candidates or parties focusing mainly on building political alliances with other parties particularly the LP, MDR and ANC and canvassing voters for the runoff election. However, this period also witnessed protracted legal disputes particularly between the NEC and LP over allegations of electoral fraud and irregularities, which subsequently led to the temporary suspension of preparation for the runoff election by the Supreme Court until the disputes were properly heard and disposed off.

The halting of preparations for the presidential runoff election by the Supreme Court caused anxiety and political uncertainty across the country, with many doubting whether there would be a runoff or a rerun. The latter scenario was deemed a ‘red line’ by most of the supporters of the CDC that the AUEOM interacted with. In spite of the uncertainty, the country remained largely peaceful until the Supreme Court lifted the ban on 6 December, allowing the NEC to proceed with the conduct of the presidential runoff elections on 26 December.

Although the Supreme Court dismissed both the petitions made by the LP and UP against NEC for lack of sufficient evidence, it noted some irregularities did occur at some voting stations and, therefore, ordered the NEC to undertake a number of measures to ensure that the Final Registration Register (FRR) was credible.

Based on the Supreme Court’s demand, the NEC, with technical support from the Economic Community of West African States (ECOWAS) drew up a roadmap and undertook a clean-up exercise of the FRR to ensure it was devoid of multiple entries or duplicate names and that no unregistered person was allowed to vote. In doing this, the NEC also ensured that political parties and other stakeholders were fully informed and aware of the steps it took to address the shortcomings noted by the Supreme Court, which helped build trust and confidence in its management of the remainder of the runoff election.

## **ELECTION DAY** OBSERVATION – 26 DECEMBER 2017 PRESIDENTIAL RUNOFF ELECTION

During the run-off presidential election, the AU redeployed less number of observers than in the first round and covered only 4 out of the 15 counties[[40]](#footnote-41). In general, the AUEOM observed marked improvement and efficiency in the management of the second round election.

## Opening

AU observers witnessed the opening process in ten (10) polling precincts and all of which were in urban areas. They reported that all polls observed opened on time at 8:00 a.m. and the process was generally carried out in accordance with stipulated procedures. They also reported that the atmosphere inside and outside of the polling precincts visited was peaceful.

## Voting

During the voting, AU observers witnessed the voting process in 154 precincts. Of these, 91 were in urban areas and 63 in rural areas. In all polling precincts visited, voting took place in a markedly improved environment, with well-managed queues and efficient identification and processing of voters. Observers noted that the secrecy of the vote was largely guaranteed, while polling staff, candidates’ agents and security personnel all performed their functions in an efficient and professional manner.

## Closing and counting

The same number of polling precincts AU observers witnessed at opening was observed at closing. The teams reported that polls closed on time at 6:00 p.m., as there were no voters in the queue. They also reported that the closing and counting procedures were properly followed, and the whole process took place in a peaceful atmosphere.

Overall, AU observers assessed the conduct of Election Day operations – opening, voting, closing and counting – as mostly very good. Observers reported a generally well-administered process compared to what was observed in the first round.

## POST-RUNOFF ELECTION DEVELOPMENTS

## Tallying and Announcement of Results

Tallying and transmission of results commenced immediately after the completion of counting at polling precincts. The process followed the same procedures as were in the first round, albeit in a much more transparent, accurate and speedy manner. The NEC announced the first set of provisional results on 28 December and the final results on 29 December 2017. The speedy announcement of results eased anxieties and potential tensions. According to the results announced, Mr. George Manneh Weah of the CDC party received 732,185 votes (representing 61.5% of valid votes cast), and Mr. Joseph Nyuma Boakai of the UP party scored 457,579 votes (representing 38.5% of valid votes cast). As a result, the NEC declared Mr. Weah as winner of the presidential runoff election. The NEC officially certified the winners of the 2017 presidential and representative elections at a ceremony in Monrovia on 4 January 2018. The certification process is deemed to confer legitimacy to the elected candidates as required by law.[[41]](#footnote-42)

Despite the protracted legal disputes that occurred prior to the conduct of the presidential runoff election, the post-runoff election environment remained largely peaceful, with the losing candidate swiftly conceding defeat and accepting the election outcome without recourse to the Supreme Court.

## CONCLUSION AND RECOMMENDATIONS

1. **Conclusion**

Based on its findings and observations, the AUEOM concluded that the overall conduct of the 2017 electoral process was generally peaceful, well administered, transparent and in general accordance with Liberia’s legal framework and its international obligations for democratic elections. The AUEOM noted that throughout the 2017 electoral process, Liberian stakeholders adhered to the rule of law and demonstrated strong commitment to peaceful elections.

1. **Recommendations**

The AUEOM provides the following recommendations for consideration by relevant stakeholders to improve the conduct of future elections in Liberia and address some of the shortcomings identified during the mission.

***The Executive and Legislative arms of Government***

* **Review and amend the 2014 Code of Conduct Act** to allow for the enjoyment of full political rights by citizens**.** The requirement that tenured and appointed executive officials must resign their positions two or three years before an election in which they intend to participate is an unreasonable restriction on the right of political participation and not fully consistent with Liberia’s international legal and human rights obligations.
* **Harmonise the legal framework for elections.** Although Liberia’s legal framework for elections is comprehensive, it is highly fragmented with many of its electoral related provisions contained in different documents, which makes it cumbersome and less accessible to those who take part in the elections.
* **Review the election law.** The neutral, but overly flexible and non-obligatory language used in section 4.5 (b) of the New Elections Law, which requires political parties to “endeavour’ to ensure that at least thirty percent of candidates for election are from each gender does not provide good enough motivation for compliance with the law and for promoting women’s political participation. The low number of elected women representatives in the 2017 elections points to this fact.
* **Review and clarify the residency requirement for presidential and vice presidential candidates.** The ten-year residency requirement for potential candidates for presidential and vice presidential elections is unreasonably long. It is also not clear whether this provision requires continuous residency.
* **Establish an independent media regulatory body** to ensure adherence to professional journalistic standards and media code of ethics, including the principles of truthfulness, accuracy, impartiality, fairness and public accountability. While Liberia’s media landscape is largely free as guaranteed by the Constitution, and there is in existence a voluntary code of conduct for media practitioners that sets minimum standards for covering the elections, the AUEOM found that the media remained largely unbalanced and, sometimes, inaccurate and sensational in their reporting.
* **Review the law that grants semi-judicial functions to NEC to hear and dispose of electoral disputes and complaints.** In view of NEC’s broad mandate of conducting public elections in Liberia, which also include registering and supervising the activities of political parties, and its limited human resource capacity, consider establishing lower courts within the judiciary to effectively and expeditiously handle complex legal cases during the electoral process.
* Adopt and legislate a **National Identification System** for all Liberians that will later be used by the NEC for easy identification of eligible persons during the voter registration process.
* Consider providing public **funding for political parties and candidates.** Without a reasonable public funding for election campaigns and/or functioning of political parties and candidates, particularly those represented in parliament, it would be difficult to foster a balanced and transparent system of political party financing. Political parties and candidates may not adhere to full disclosure of campaign finances as required by law if they rely largely on private sources of funds for campaigns. In this regard, the integrity of the electoral process could be impacted negatively by clandestine or opaque financial aid, and an uneven electoral playing field may also ensue to the advantage of particular parties.
* Review and align the provisions of article 83 of the Constitution that stipulate conflicting time frames for both filing and resolving electoral complaints and the conduct of presidential runoff election, taking into consideration the Supreme Court’s decision of 6 November 2017, which gave preference to article 83 (c).

***The National Elections Commission***

* **Review existing electoral boundaries** and ensure that future elections are conducted based on the latest census data as mandated by the Constitution. This is also to give effect to the international principle of equality of suffrage, which, unfortunately, was not met in the 2017 elections.
* **Ensure accuracy of the Final Registration Register (FRR)** by undertaking proper auditing and clean-up measures immediately after the compilation of the provisional register. The legal disputes surrounding the first round elections could have been avoided had necessary actions be taken to ensure that the FRR was accurate and devoid of duplicate entries.
* **Strengthen the training of polling staff**, especially on crown management, and ensure trainings are well coordinated and uniform across the country so that there is consistency in how polling procedures are implemented.
* **Strengthen civic and voter education programs.** The AUEOM noted late roll out of voter education programs in some parts of the country and some CSOs were unable to complement the program due to late delivery of materials.
* Ensure full compliance with laws relating to political party funding and campaign finance through increased supervision and scrutiny of financial reports of political parties and candidates.
* Support increased participation of women as candidates and leaders within political parties.
* Increase staff capacity and training for handling complex electoral disputes.
* Continue efforts to ensure transparency in the electoral process. In particular, increase transparency in the management of election results at the national level by replicating in the same manner the procedures for receipt and tabulation of results at the county level.

 ***Political Parties***

* Remain committed to peaceful elections for the democratic development of the State as demonstrated by the Ganta Agreement and the Farmington River Declaration.
* Increase women’s participation by adhering to the spirit and the letter of the New Elections Law, which requires political parties to ensure that at least thirty percent of candidates for election are from each gender.
* Fully comply with laws relating to party funding and campaign finance by upholding your responsibility to promptly disclose and report all sources of funding and campaign expenditures. This is to ensure that the free choice of voters is not undermined or the democratic process distorted by disproportionate expenditure and opaque money.
* Desist from misuse of state resources, especially during campaigns. The abuse of state resources not only contravenes with Liberia’s laws, but can compromise the integrity of the electoral process, undermines competitiveness, create and uneven playing field and, ultimately, reduce public trust in the legitimacy of the process and its outcome.

 ***Civic Society Organisations***

* Continue to play a constructive role in Liberia’s electoral and political processes to strengthen its democratic credentials and ensure accountability of public officials and institutions.
* Work with the NEC to strengthen civic and voter education efforts, with especially focus on marginalised groups, women, youth, persons with disability and people in rural areas.
* Support the campaign to increase women political participation, particularly as leaders within political parties and in public administration.

***Media organisations***

* Strive to ensure balanced and accurate reporting during elections. In particular, avoid providing a platform for hate speech, defamation, and incitement to violence, discrimination or any act prohibited by law.
* Support efforts to establish an independent body to regulate broadcasting during elections. Ensure that the appointment of such a regulatory body will be transparent, independent and protected from political interference.

# Annex 1 - Presidential and Vice Presidential Candidates

|  |  |  |  |
| --- | --- | --- | --- |
| NO. | **Presidential Candidates** | **Running Mates** | **Party** |
| 1 | Urey Benoni Wilfred | Duopu Alexander Nyonkon | ALP |
| 2 | Cummings Alexander B. | Sulunteh Jeremiah Congbeh | ANC |
| 3 | Mcintosh Wendell J.E. | Ndebe Manjerngie Cecelia | CDA |
| 4 | Weah George Manneh | Howard-Taylor Jewel C. | CDC |
| 5 | Wiles Isaac Gbombadee | Yarkpah Richmond D.K. | DJP |
| 6 | Cooper Oscar | Freeman Wonderr Koryenen | Independent |
| 7 | Kpadeh Aloysius William | Ruth l. Kollie | Independent |
| 8 | Mator Yarkpajuwur N. | Enock Roosevelt Tonga | Independent |
| 9 | Cooper Macdella B. | Slocum William R. | LRP |
| 10 | Sandy Kennedy Gbleyah | Tweh Victoria Morris | LTP |
| 11 | Fahnbulleh Jr. Henry Boima | Dahn Marcus S.G | LPP |
| 12 | Brumskine Charles Walker | Karnwea Sr. Harrison S. | LP |
| 13 | Johnson Prince Y. | Smith-Forbes Audrian R. | MDR |
| 14 | Jones Joseph Mills | Reeves Jr. Samuel B. | MOVEE |
| 15 | Freeman Simeon C.M | Knowlden William T. | MPC |
| 16 | Tuider William Wiah | Dixon Davel | NLP |
| 17 | Dweh Sr. George Sluweh | Tuazama Ainniey | RDC |
| 18 | Wento Macdonald a. | Bleah John N. | UPP |
| 19 | Boakai Joseph Nyuma | Nuquay Emmanuel James | UP |
| 20 | Weapoe Jeremiah Z. | Flowers Isaac D.G | VOLT |

|  |
| --- |
| Annex 2: Breakdown of Male and Female Aspirants for Political Parties and Independent Candidates |
| **Political Party/Independent.** | **No of Aspirants** | **Male**  | **% Males** | **Females** | **% Females** |
| All Liberian Party (ALP) | 63 | 55 | 87 | 8 | 13 |
| Alternative National Congress (ANC) | 71 | 56 | 79 | 15 | 21 |
| Change Democratic Action (CDA) | 14 | 11 | 79 | 3 | 21 |
| Coalition for Democratic Change (CDC)-CDC, NPP & LPDP | 69 | 62 | 90 | 7 | 10 |
| Coalition for Liberia’s Progress (CLP) | 41 | 31 | 76 | 10 | 24 |
| Democratic Justice Party (DJP) | 15 | 14 | 93 | 1 | 7 |
| Grassroot Democratic Party OF Liberia (GDPL) | 27 | 25 | 93 | 2 | 7 |
| Independent Candidates | 90 | 81 | 83 | 15 | 17 |
| Liberia Restoration Party (LRP) | 39 | 27 | 70 | 12 | 30 |
| Liberia Transformation Party (LTP) | 55 | 45 | 82 | 10 | 18 |
| Liberian National Union (LINU) | 25 | 23 | 92 | 2 | 8 |
| Liberian’s People’s Party (LPP) | 38 | 31 | 82 | 7 | 18 |
| Liberians For Prosperity (LFP) | 2 | 2 | 100 | 0 | 0 |
| Liberty Party (LP) | 70 | 63 | 90 | 7 | 10 |
| Movement for Democracy and Reconstruction (MDR) | 40 | 35 | 87 | 5 | 13 |
| Movement for Economic Empowerment (MOVEE) | 64 | 56 | 80 | 13 | 20 |
| Movement for Progressive Change (MPC) | 36 | 31 | 86 | 5 | 14 |
| New Liberia Party (NLP) | 5 | 4 | 80 | 1 | 20 |
| People’s Unification Party (PUP) | 40 | 36 | 90 | 4 | 10 |
| Redemption Democratic Congress (RDC) | 13 | 11 | 85 | 2 | 15 |
| True Whig Party (TWP) | 30 | 24 | 80 | 6 | 20 |
| United People’s Party ( UPP) | 64 | 48 | 75 | 16 | 25 |
| Unity Party (UP) | 58 | 48 | 83 | 10 | 17 |
| Victory for Change Party (VCP) | 22 | 19 | 86 | 3 | 14 |
| Vision for Liberia Transformation (VOLT) | 27 | 26 | 96 | 1 | 4 |
| **Total** | **1018** | **864** | **-** | **160** | **-** |

1. . The Ganta declaration of opposition political parties in Liberia clearly sets the framework for free, fair, transparent and nonviolent election in Liberia in 2017, which confirms and affirms a commitment by the major stakeholder groups in the governance of Liberia to the rule of law. [↑](#footnote-ref-2)
2. . The Farmington declaration is commitment by the 22 political parties participating in the presidential and parliamentary elections in Liberia to peaceful elections and judicial resolution of election disputes. [↑](#footnote-ref-3)
3. 2014 Code of Conduct. [↑](#footnote-ref-4)
4. . The Truth and Reconciliation Commission (TRC) was negotiated into the 2003 Accra Comprehensive Peace Agreement as a cornerstone of the national reconciliation process. In its 2009 report, the TRC recommended that 98 individuals be prosecuted for violations of international humanitarian law and war crimes committed during the civil war. It recommended an additional 50 – including Johnson Sirleaf – be barred from public office for 30 years for supporting various warring factions. [↑](#footnote-ref-5)
5. .These include The Charter of the United Nations (1945); The Universal Declaration of Human Rights (1948); The International Covenant on Civil and Political Rights; The Convention on the Political Rights of Women (1952); The Convention on the Elimination of All Forms of Discrimination Against Women (1979); The African Charter on Human and Peoples’ Rights; The Accra Comprehensive Peace Agreement; and The ECOWAS Protocol on Democracy and Good Governance. [↑](#footnote-ref-6)
6. .See Article 21 of the Universal Declaration of Human Rights and Article 25 of the International Covenant on Civil and Political Rights [↑](#footnote-ref-7)
7. . See article 83 (d) of the Constitution as read with section 7 of the New Elections Law and generally the Campaign Finance Regulations. [↑](#footnote-ref-8)
8. . See article 83 of the Constitution as read with section 6 of the New Elections Law. [↑](#footnote-ref-9)
9. . See Chapter 4 of the New Elections Law, 2014 (As Amended). [↑](#footnote-ref-10)
10. . The date provided is the Tuesday following the announcement of the results of the General Elections which in the 2017 Elections was 7 November 2017. [↑](#footnote-ref-11)
11. . To exhaust the complaints and appeals procedures in the 2017 Elections, required for NEC to investigate the alleged irregularities in 30 days, 7 days to process the appeals to the Supreme Court and another 7 days for the Supreme Court to hear and determine the appeal. [↑](#footnote-ref-12)
12. . There are various globally recognized electoral systems that include: proportional representation system and mixed system plurality/majoritarian system. The 1986 Constitution, The New Elections Law (as amended) and the 2014 Code of Conduct Act embodied the electoral system for the 2017 electoral contest in Liberia. [↑](#footnote-ref-13)
13. . UN, ICCPR, Art. 2(2); AU, AfCHPR, Art. 1. [↑](#footnote-ref-14)
14. . The Liberian National Referendum of 23 August 2011, amended article 83(b) which previously provided for an absolute majority in all elections and introduced a simple majority for Senatorial and Representatives elections [↑](#footnote-ref-15)
15. . Article 83 (b) of the Constitution provides for an absolute majority as a threshold in the presidential election. It was eventually changed by the Aug. 23, 2011, referendum to simple majority of votes to determine the winner of legislative elections. [↑](#footnote-ref-16)
16. . (Article 17 (1) of the African Charter on Democracy, Elections and Governance underscores the importance of independent and impartial national electoral bodies responsible for the management of elections. Article III of the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa AHG/Decl. [↑](#footnote-ref-17)
17. . The current members of the Commission are: Jerome George Korkoya (Chairman), Sarah Jegede Toe (Co-Chairman), Jonathan K. Weedor (Commissioner), Samuel Z. Joe (Commissioner), Jeanette A Ebba Davidson (Commissioner), Davidetta Browne Lansanah (Commissioner0, and Boakai Dukuly (Commissioner). [↑](#footnote-ref-18)
18. . ICCPR, Article 25; OAU/AU Declaration on the Principles Governing Democratic Elections in Africa, Section IV(2). [↑](#footnote-ref-19)
19. . Article 77(b) and Article 80 (c). [↑](#footnote-ref-20)
20. . Constitution, Articles 7, and 77 -79; New Elections Law, Section 2. [↑](#footnote-ref-21)
21. . UN, ICCPR, Art 25; and AU, ACDEG, Arts. 3(11) and 12(2). [↑](#footnote-ref-22)
22. . See Annex 1 for a list accepted Political Parties and Candidates. [↑](#footnote-ref-23)
23. . They include George Weah of the Coalition for Democratic Change (CDC); Joseph Boakai of the Unity Party (UP); Charles Brumskine of the Liberty Party (LP); Benoni Urey of the All Liberian party; Alexander Cummings of the Alternative National Congress (ANC); and Mills Jones of the Movement for Economic Empowerment (MOVEE). [↑](#footnote-ref-24)
24. The Ganta declaration that was adopted in September 2016 by political parties clearly set the framework for free, fair, transparent and nonviolent election, which confirmed and affirmed a commitment by major stakeholder in the governance of and rule of law. [↑](#footnote-ref-25)
25. .The Farmington declaration adopted in June 2017 was a commitment by the 22 political parties participating in the presidential and parliamentary elections towards peaceful elections and judicial resolution of election related disputes. [↑](#footnote-ref-26)
26. . The first presidential debate was convened by the Liberia Media Development Initiative and Public Trust Media Group in Ganta on August 14 while the second debate, was organized by Deepening Democracy Coalition at the Paynesville City Hall on 17th August, 2017 while the third debate was convened by Liberia Media for Democratic initiative, at the Fendel Campus Auditorium of the University of Liberia. [↑](#footnote-ref-27)
27. .AU Convention on Preventing and Combating Corruption, Art. 10; OAU/AU Declaration on the Principles Governing Democratic Elections, Section 3(f); AU ACDEG, Arts. 3(8), 27(5), 33(3); UN, CAC, Art. 7(3). [↑](#footnote-ref-28)
28. .1986 Constitution of Liberia, Arts. 82 & 83; New Elections Law of Liberia, Chaps. 2 & 7; NEC ‘s Campaign Finance Regulations of 6 May 2016; NEC’s Regulations and Guidelines relating to Political Parties and Independent Candidates of 13 February 2017. [↑](#footnote-ref-29)
29. . Notably the AU ACHPR and its Optional Protocol on the Rights of Women in Africa, the AU ACDEG, the UDHR, ICCPR, CEDAW and its Optional Protocol. Liberia is a signatory of these instruments. [↑](#footnote-ref-30)
30. .1986 Constitution, Art. 11. [↑](#footnote-ref-31)
31. .1986 Constitution, Art. 77(b). [↑](#footnote-ref-32)
32. . New Elections Law, Section 4.5. [↑](#footnote-ref-33)
33. . NEC Report on Final Candidate Listing. [↑](#footnote-ref-34)
34. .Research on Liberian women’s participation as candidates in elections show that a total of 116 and 108 women contested as candidates in the 2005 and 2011 elections, respectively. [↑](#footnote-ref-35)
35. . AU, ACDEG, Art. 12(3); OAU/AU Declaration of Principles Governing Democratic Elections in Africa, Sec. 3(e); UN, ICCPR, Art. 25(a); UN, UDHR, Art. 21(a). [↑](#footnote-ref-36)
36. . OAU/AU, Declaration on Principles Governing Democratic Elections, Sec. 3(d); UN, ICCPR, Art. 19.. [↑](#footnote-ref-37)
37. . Liberia, 1986 Constitution, Art. 15. [↑](#footnote-ref-38)
38. .The ‘Democrat Newspaper’ was observed to have consistently provided negative headlines targeting the CDC party. The paper had, among other negative headlines, repeatedly run a rumour linking Former President Charles Taylor with the CDC party and the possibility of his release should the CDC wins the 2017 elections. [↑](#footnote-ref-39)
39. . UN, ICCPR, Art. 2(3); AU, AfCHPR, Art. 7. [↑](#footnote-ref-40)
40. . The counties covered are Montserrado, Margibi, Bong and Nimba. [↑](#footnote-ref-41)
41. . Statement by Cllr. Jerome G. Korkoya, Chairman, National Elections Commission (NEC), at the “Program Marking the Certification of Winners of the 2017 Presidential and Representative Elections” held on Thursday, January 4, 2018, at James M. Fromaya Conference Hall in Monrovia. [↑](#footnote-ref-42)