

REPORT OF AN  
ELECTORAL ASSESSMENT  
AND PLANNING MISSION  
TO LIBERIA:  
APRIL 4-25, 2004

May 6, 2004

SUSAN L. PALMER  
YINKA OYINLOLA  
HELENA ALVES  
ALEXANDER KNAPP

For further information contact:  
International Foundation for Election Systems (IFES)  
1101 15<sup>th</sup> Street, NW  
Washington, DC 20005  
Tel: 1.202.828.8507  
Fax: 1.202.452.0804  
Email: [spalmer@ifes.org](mailto:spalmer@ifes.org)



## TABLE OF CONTENTS

<b>I</b>	<b>EXECUTIVE SUMMARY</b>	<b>2</b>
<b>II</b>	<b>ELECTORAL ADMINISTRATION</b>	<b>5</b>
	A NATIONAL ELECTIONS COMMISSION (NEC)	5
	1 Organizational Structure	6
	2 Technical Capacity	7
	3 Physical Infrastructure	8
	B ELECTIONS TIMELINE	9
	C ELECTIONS BUDGET	10
<b>III</b>	<b>ELECTORAL PARTICIPATION</b>	<b>12</b>
	A POLITICAL PARTIES	12
	B CIVIL SOCIETY	13
	C MEDIA	13
	D CONFLICT-FORCED MIGRANTS AND DISENFRANCHISEMENT	14
	E VOTER REGISTRATION	16
	1 Eligibility Criteria	16
	2 Electoral Systems and Participation	17
	3 Constituencies, Residency, and Intent	17
	F ELECTION SECURITY	18
	G CONCLUSIONS AND RECOMMENDATIONS	18
<b>IV</b>	<b>ELECTORAL REFORM</b>	<b>20</b>
	A ELECTORAL SYSTEMS	20
	1 Liberia's 1997 Special Elections: Proportional Representation	21
	2 Constitutional and Legal Provisions of 1986: Majority-Plurality	22
	3 Considerations for Electoral System Design for the 2005 Elections	22
	B BOUNDARY DELIMITATION	24
	1 Principles of Boundary Delimitation	25
	2 Seat Allocation and Boundary Delimitation for the 2005 Legislative Elections	26
	C ELECTIONS 2005: NATIONAL OR GENERAL ELECTIONS?	27
	D PROCESS OF ELECTORAL REFORM	29
	1 Key Elements of an Electoral Framework	29
	2 Methodology for Electoral Reform	30
	3 Political Party Consultative Committee / Civic Consultative Committee	31
<b>V</b>	<b>INTERNATIONAL ASSISTANCE</b>	<b>32</b>
	A ELECTORAL ADMINISTRATION	33
	1 Technical Assistance	33
	1.1 Policy Making Advice	33
	1.2 Operational Assistance	34
	2 Training	34
	3 Elections Budget	35
	4 Logistical Support	35
	B ELECTORAL REFORM AND ELECTORAL FRAMEWORK	35
	C ELECTORAL DISPUTE TRIBUNAL	36
	D ELECTORAL PARTICIPATION	36
<b>APPENDIX</b>		
	Draft Election Timeline	

## I. EXECUTIVE SUMMARY

With the signing of the Comprehensive Peace Agreement (CPA) in Accra in August 2003, Liberians committed themselves to political, versus military, competition for the control of Liberia's reconstruction. This commitment places added importance on the electoral process as the means through which the political competition will be carried out. The signatories to the Comprehensive Peace Agreement agreed to reform Liberia's electoral system prior to the conduct of the 2005 elections. A major challenge, however, is how this electoral system can serve as a framework for political competition beyond 2005.

In April 2004, IFES fielded a technical planning mission to examine the electoral environment and suggest a strategy for international support for the electoral process. Among the key findings were:

1. Liberians must be involved in all aspects of the process for the CPA-mandated October 2005 elections to leverage the maximum opportunity to bring the nation to a state of peaceful transition;
2. The electoral framework – detailing the legal provisions, the type of electoral system, the nature of the elections to be held, and other aspects of the electoral process – must be agreed upon no later than October 2004 to allow sufficient time for election preparations. Such a framework should be endorsed by Liberia's stakeholders;
3. Timely, coordinated and robust international assistance at all stages and levels of the electoral process is necessary to create an environment for a successful outcome and to ensure that the best practices of transitional political processes are put into place; and
4. The international community will have to cover the majority of the cost of the elections, as well as provide considerable assistance to the resulting elected and appointed institutions responsible for Liberia's reconstruction.

There are a number of issues related to the conduct of the elections. Notable among these issues are:

- The status of disarmament: The disarmament, demobilization, rehabilitation and reintegration (DDRR) of combatants must remain on schedule. According to the UN Mission in Liberia (UNMIL), DDRR is to be completed in July 2004. There must be free and safe access throughout Liberia no later than October 2004 to enable election preparations by both election administrators and aspiring election participants.
- The electoral participation of refugees and internally displaced persons (IDPs): Of a total estimated population of 2.9 million, up to 600,000 Liberians are internally displaced and another 300,000 are refugees – representing approximately 30% of Liberia's population. UNHCR indicates that the repatriation and resettlement of refugees and IDPs is scheduled to be undertaken between October 2004 and March 2005. To ensure ease of participation in the electoral process, it is critical that this process proceeds according to schedule.
- The issue of local governance: All too often in post-conflict situations, local government elections are not included in the transitional strategy for a variety of political as well as practical reasons. In Liberia's case, the practical challenges include the relatively recent creation of additional municipalities and chiefdoms, a need to review the structure and function of local government and the considerable human, financial and infrastructure resources needed to support effective local governance. Whatever is decided with regard to the timing of local government elections, it is suggested that this issue be thoroughly examined by Liberia's stakeholders and clearly addressed in the electoral framework.

This report contains recommendations for both the National Elections Commission (NEC) and its partners in the international community. Some of the key recommendations include:

- To ensure that Liberian stakeholders are supportive of the electoral framework, that it meets Liberia's needs and that it conforms to international standards, the process that leads to the establishment of the electoral framework must be perceived as inclusive and legitimate, while drawing on international best practices and principles. As such, it is recommended that fora be provided for NEC and Liberian political and civic actors to consider the various major issues. The international community should support the electoral reform process and provide technical assistance to facilitate the drafting of the resultant electoral framework.
- International assistance will need to be provided to build the capacity of the National Elections Commission to organize and conduct the elections and to ensure the credibility of the electoral process.
- The international community and the National Transitional Government of Liberia will need to provide timely and complete support to the elections budget. Any delays in the provision of financing and material will negatively impact the elections timeline. Once the electoral framework is finalized, the full costs for the elections will be known. However, priority at this point should be given to financing the NEC's current personnel and operational costs, including the re-establishment of its presence in the counties, and voter education.
- International assistance should support:
  - The administration of the elections: To support the conduct of a credible and efficient process through the provision of:
    - i. A Chief Electoral Advisor and/or international members on the National Elections Commission to support the development of policy and procedures and the overall management of the electoral process;
    - ii. Technical advisors to assist NEC headquarters and county offices in implementing the electoral framework;
    - iii. Financial, material and logistical support.
  - The resolution of electoral disputes during all phases of the electoral process: To enable the timely arbitration and resolution of electoral disputes through the establishment of an Election Dispute Tribunal; and
  - Electoral participation: To promote a level political playing field and informed participation in the electoral process by Liberia's citizens.

International assistance should be well-timed and initiatives effectively coordinated to avoid duplication of effort and to maximize impact.

It has often been said that this transitional period is a time for Liberia "to get it right" given the previous failed efforts at sustaining peace and developing a strong democratic polity. Irrespective of political views or backgrounds, Liberians must continue to work together during the next 18 months to ensure that the October 2005 elections truly lay a strong foundation for peace and democratic governance. Not only are cooperation and political will prerequisites for the development of the electoral framework, but Liberians should ensure adherence to the "rules of the game" inherent in the electoral framework. In the immediate post-election period, that foundation provided by the elections and electoral process will need to be built upon to avoid a repetition of the democratic back-sliding and foment of conflict following the 1997 elections. The way in which Liberians work together now, and the issues that they address, will build confidence and processes by which longer-term governance issues can be tackled. A clear commitment should be made during this transitional period to address those fundamental governance concerns. The international community, in making a commitment to support the electoral and transitional processes, must also stand ready to assist with post-election reforms and support for

good governance. In preparing for the elections, it is useful to remember that elections are not an event, but part of a process of democracy-building and overall national development and, in Liberia's case, one aspect of a broader strategy to ensure lasting peace.

This Report was the result of a mission undertaken by the International Foundation for Election Systems (IFES) to Liberia from 4-25 April 2004. The mission was funded by the U.S. Agency for International Development. The views expressed in this Report are those of IFES, and are not necessarily those of USAID or the U.S. Government.

The IFES mission was composed of Susan Palmer, IFES Program Manager; Alexander Knapp, IFES Senior Operations Officer; and IFES consultants Helena Alves and Yinka Oyinlola. While in Liberia, IFES met extensively with the National Elections Commission, officials of the National Transitional Government of Liberia, the Transitional Legislative Assembly, political parties, civil society organizations, other opinion leaders and members of the international community. IFES is grateful for the support of USAID as well as for the frank and invaluable discussions we had with these key stakeholders.

## II. ELECTORAL ADMINISTRATION

The Comprehensive Peace Agreement (CPA) stipulates the organization of elections by the National Elections Commission with the support of the international community as follows:

- "...the National Elections Commission (NEC) shall be reconstituted and shall be independent. It shall operate in conformity with UN standards, in order to ensure that the rights and interests of Liberians are guaranteed, and that the elections are organized in a manner that is acceptable to all." (Article XVIII, Section 2a)
- "The Parties agree that the Transitional Government provided for in this Agreement shall request the United Nations, the African Union, ECOWAS and other members of the International Community as appropriate, to jointly conduct, monitor, and supervise the next elections in the country. " (Article XIX, Section 4a)
- "Voters education and registration programs shall be organized by the newly reconstituted NEC, in collaboration with other national and International organisations under the supervision of the United Nations." (Article XIX, Section 4b)

Although these provisions do not clearly delineate the relationship between the NEC and the international community, or the allocation of tasks, it is expected that the NEC will provide the administrative framework for the conduct of the 2005 elections albeit with substantial collaboration and assistance from international actors.

This international support is critical not only to ensure the Commission has adequate administrative and technical capacity but also to support the credible management of the electoral process and to make certain that the process has the full confidence of the Liberian stakeholders and public. While the broader strategy for international assistance to the electoral process is discussed in greater detail under Section V, this section of the Report recommends ways the international community can boost the NEC's administrative capacity. This section also reviews the proposed election timeline and preliminary budgetary requirements—two elements of the administrative framework that can only be finalized after agreement on the electoral framework.

### A. NATIONAL ELECTIONS COMMISSION (NEC)

The NEC has a two-tier structure of the Commission and the permanent, technical staff. The members of the Commission are appointed by the president and approved by the legislature and the permanent, technical staff. The CPA called for the reconstitution of the NEC, and the Chairman of the National Transitional Government of Liberia (NTGL) subsequently nominated seven Commissioners and an Executive Director. These nominees were then vetted by the NTLA's Special Committee on Elections prior to being screened at hearings convened by the plenary of the Transitional Legislative Assembly (TLA). The seven members of the Commission and the Executive Director were inducted into the NEC by the NTGL Chair on April 29, 2004.<sup>1</sup>

Two of the NEC Commissioners, Mary Brownell and James Chelley, served as Commissioners on the previous Elections Commission (ECOM), after being appointed by the Taylor government in 2002 following calls by Liberian political parties and civic leaders to expand the ECOM to include representatives of civil society.

Although the seven Commissioners and the Executive Director have successfully passed through the hearing process of the TLA, and the members of the Commission have been praised as

---

<sup>1</sup> Members of the Commission are: Frances Johnson-Morris (Chair); Elizabeth J. Boyenneh; Mary N. Brownell; James K. Chelley, Sr.; James Fromayan (Co-Chair); Karmo Soko Sackor, Sr.; and Jonathan Karvie Weedor. The Executive Director is James N. Gilayeneh.

competent and committed individuals, Liberians have expressed concern about the technical capacity of the NEC to conduct credible elections. Some criticism has been voiced about the lack of transparency of the appointment process, which was undertaken with little involvement of civic and political activists. Questions have also been raised about the Commission's independence. In addition, several Commission members have former or current ties to political parties.

Independence and impartiality are two of the guiding principles in election administration, and they can be jeopardized not only by political bias but also by inadequate capacity. No matter

The NEC is faced with three challenges:

1. to undertake the effective administration of the elections;
2. to acquire the technical knowledge necessary to organize elections; and
3. to build a physical infrastructure to support its operations.

how independent or impartial a Commission may be, its independence and impartiality can be threatened if it lacks the administrative and technical capacity to deliver a credible election. Unprofessional behavior, poor planning or other administrative inefficiencies may lead to questions about a Commission's independence and impartiality.<sup>2</sup> In this regard, the NEC is

faced with three challenges: 1) to undertake the effective administration of the elections; 2) to acquire the technical knowledge necessary to organize elections; and 3) to build a physical infrastructure to support its operations.

## 1. Organizational Structure

Organizationally, the role and responsibilities of the Commissioners and the Executive Director are deserving of careful consideration, particularly as their terms of office expire with the inauguration of the elected government in January 2006. In election management bodies throughout the world, Commissioners are often appointed by the executive, following legislative approval, according to political considerations rather than technical expertise. Commissioners usually take on policy-making responsibilities, and delegate operational roles to their permanent technical staff. Such a model relieves the Commissioners of certain day-to-day administrative tasks that can prevent them from focusing on important policy issues and engaging fully with political stakeholders and voters. It is suggested that the NEC carefully consider the role of the Commission and the operational responsibilities of its permanent staff.

The current structure of the NEC places an enormous administrative and operational burden on the Executive Director in that he is expected to manage the Commission's administration as well as electoral operations. The NEC should consider adding a Director of Operations as a permanent staff position, filled by the Commission. In this model, the Executive Director would be responsible for the overall management of the Commission and would supervise the departments that support the Commission's work—such as legal, public information, administration and finance. The Director of Operations would manage such elections-related departments as voter registration/constituency delimitation, voter education/training, etc. Some of the departments suggested above are not in the NEC's current structure but their establishment should be considered in order to improve administration of the electoral process. These departments would provide technical support to the Commission and would ensure the implementation of its policy decisions by the election magistrates based in each county.

The NEC is currently examining its organizational design, and it is suggested that the Commission consider restructuring to ensure the efficiency and coordination of its operations. An Election Management / Organizational Development Specialist could be of assistance to the NEC in facilitating this management review and any organizational restructuring that might result from it. As the NEC undertakes this task, priority should be given to defining the roles and

<sup>2</sup> Administration and Cost of Elections (ACE) Project, Version 1.0 [online data collection], 1998-2003.

responsibilities of the Commissioners and the Executive Director as well as whether a Director of Operations will be added to the NEC's staff. Ideally, the management review should be completed before the NEC begins the process of electoral reform, expected to start June 2004.

## 2. Technical Capacity

The Commissioners and Executive Director have not had experience administering elections, and unfortunately, there is a dearth of technical capacity among the Commission's permanent staff as well. While the Commission has one consultant and a senior official with approximately 20 years each of elections experience, few of its senior technical staff were involved in the conduct of the 1997 elections. Most of the senior and assistant election magistrates joined the Commission following 1997, and only some of these were involved in the conduct of the legislative by-elections and municipal and chieftaincy elections held in a few counties in 1998-1999.

The provision of technical assistance and conduct of training for the NEC will help build its technical expertise, supporting the effective administration of the 2005 elections as well as the capacity of the NEC to conduct future elections.

It is recommended that the Commissioners and their permanent staff enhance their technical skills and knowledge through technical assistance and training. A capacity-building approach is strongly suggested to help build an institution that not only can effectively administer the 2005 elections but also will have the technical expertise to administer future elections without substantial involvement from the international community.

Technical Assistance: Technical assistance would target two levels of the Commission: policy making and operations. At the policy-making level, technical assistance could include the provision of a Chief Electoral Advisor and/or International Commissioners to provide support and guidance to the NEC on the development of policy and procedures as well as the overall management of the electoral process. At the operational level, international technical advisors could provide relevant electoral and administrative expertise at NEC headquarters and within its election magistrate offices at county level. The Chief Electoral Advisor could coordinate the technical assistance, facilitating the sound and consistent implementation of NEC policy and the electoral framework. The technical advisors would focus on such areas as electoral operations, voter registration, legal drafting, training, voter education, and accounting/finance. Particularly important would be the provision of a Senior Electoral Operations Advisor who would ensure that activities are conducted according to the operational plan and ensure uniformity of operations at the county level. Additional Operational Advisors could be placed at the NEC county offices to work with the election magistrates in the organization and implementation of regional and local operations. Short-term technical advisors could be provided in support of the electoral reform exercise and according to the demands of the process. These advisors could assist with electoral system design, boundary delimitation, and examining the issue of refugee/IDP participation.

The technical advisors, as available, would counterpart with NEC's permanent staff to support the Commission's election administration, to further the professional development of NEC's staff, and to provide opportunities for on-the-job learning. All technical advisors must have substantial experience in election administration and must themselves be either election officials or recognized international electoral experts.

Training: It is recommended that a professional development program for the NEC include the following training:

- NEC and all staff: general orientation and overview of election administration
- Commissioners and Executive Director: election management training
- Senior staff, magistrates and assistant magistrates: election administration training



- Administrative and support staff: Training targeted to their responsibilities (e.g. accounting, record maintenances, etc.)

Once the management review is completed and a model for the NEC's organizational structure is agreed upon, the most pressing need (should donor funding and international assistance be available) is for the Commissioners and Executive Director to receive training in election management. In addition to addressing management issues, the training should include an overview of electoral administration that reviews areas immediately relevant to Liberia's electoral reform process, such as electoral systems, electoral legislation, voter registration, and boundary delimitation. This training should be conducted prior to the start of the electoral reform process—no later than mid-June 2004.

The next priority is the general orientation for all NEC staff, followed by a first round of election administration training for the technical staff and job-specific training for the support staff. Training should continue throughout the electoral process—particularly for the technical staff—and should be focused around staff responsibilities and tasks. Additionally, opportunities for short internships or for job-shadowing election authorities in other countries should be found for the Commission, senior staff and election magistrates. It should be noted that nearby Ghana is having national elections in December 2004, which might present an opportunity for practical learning for NEC staff.

Prior to any training, however, a comprehensive personnel audit should be conducted to verify staff postings and to identify any vacant positions. The personnel audit should be done in conjunction with the management review, and prior to any hiring, the organizational structure should be finalized, as should the compensation plan to ensure that the Commission's budget can accommodate the proposed structure.

### **3. Physical Infrastructure**

The NEC's current physical infrastructure—its buildings and equipment—is inadequate to meet its election administration needs: the county-based election magistrate offices were damaged in the war, their equipment was looted, and office and communications equipment is needed at the Commission's Monrovia headquarters. The Commission has no vehicles; those that were allocated to it by the Taylor government have been stolen or, in the case of those assigned to the Commissioners of the previous ECOM, retained by the former Commissioners. The Commission rents the building used for its headquarters in Monrovia as well as some of its 17 election magistrate offices in the counties.<sup>3</sup> More than one year of back rent is owed to the landlord of the building in Monrovia, and it is unclear how much back rent is owed on the other properties.

The NEC has requested vehicles and equipment as well as assistance with the rent and the rehabilitation of its county offices. In the short term, funding for the rent for the Monrovia headquarters will be required, but it is strongly recommended that a government building be identified as the permanent headquarters of the NEC. It should be noted that it is highly unlikely that any international donor will be able to provide assistance to cover back rent.

Clearly, the NEC's physical infrastructure will need to be re-built in order for it to effectively administer the electoral process. It is particularly important for the Commission to re-establish its presence in the counties, and it should work to open its offices in those counties that have already been declared safe, following the disarmament and demobilization of the combatants. Given the scarcity of resources in Liberia, international support will be required to help the NEC meet its infrastructure needs. The NEC should work with UNMIL to determine how the UN can best provide logistics support for the NEC prior to and during the elections—such support could

---

<sup>3</sup> The NEC had previously maintained 17 election magistrate offices. Thirteen of Liberia's counties each have one office, while two counties have two (in Upper and Lower Nimba County and in Upper and Lower Bong County).

include the use of large trucks and helicopters to deliver and retrieve voter registration and election materials, including ballot papers. NEC coordination with UNMIL to move these materials can further ensure the security of sensitive elections materials.

## B. ELECTIONS TIMELINE

During its mission to Liberia, IFES worked with the staff of the NEC to develop a provisional elections timeline, a summary of which is included in the Appendix, with key dates being as follows:

Oct 04	Approval of the Electoral Framework
Oct 04 – Mar 05	Boundary Delimitation
Apr 25 – May 6, 05	Voter Registration
Oct 15, 05	Election Day: Presidential and Legislative Elections

As is noted, this timeline only addresses the conduct of the presidential and legislative elections. In designing the electoral framework, the issue of holding local elections must also be resolved.

This timeline is dependent on: 1) the timely provision of financing and resources, such as

The electoral timeline is dependent on:

1. The timely provision of financing and resources, such as technical assistance and operational support;
2. The disarmament and demobilization of combatants; and
3. The resettlement of refugees and IDPs.

technical assistance and operational support; 2) the disarmament and demobilization of the combatants and declaration that all areas are safe no later than October 2004<sup>4</sup>; and 3) the resettlement of refugees and IDPs by March 2005, to enable this population to register to vote in their home areas. However, as discussed later in this Report, voter registration could be conducted in a different manner if, for

example, refugee voting is allowed or if IDPs are still in camps during voter registration.

The provisional timeline can only be finalized after the approval of the electoral framework, which should clearly state the type of elections to be held, the electoral system to be used, and the procedures and periods for all aspects of the electoral process (including, but not limited to, voter registration, political party registration, candidate nomination, election day tabulation and announcement of results, resolution of election disputes, etc.). In developing the timeline for the elections, the following issues must be considered:

- The status of disarmament and demobilization, the repatriation of refugees, and the resettlement of IDPs;
- The impact of the rainy season on the conduct of voter registration and election day;
- The nature and method of boundary delimitation;
- The connections between the timing of boundary delimitation, voter registration, political party registration, and candidate nomination; and
- The post-election period, and the period of time required or desired between the announcement of the final results and the inauguration of the elected government.

The provisional timeline herein presented makes certain assumptions that might be revised with the completion of the electoral framework. However, it illustrates that it is critical that the electoral framework be finalized no later than October 2004 so that election planning can proceed, that the security situation and the return of the refugees/IDPs will impact the timeline, and finally, that preparations for the elections must begin now, in May 2004, for elections in 2005 to become a reality.

<sup>4</sup> Disarmament and demobilization are scheduled to conclude by July 2004, and the October 2004 deadline is given for electoral planning purposes only. Should disarmament and demobilization slip past October, the election timeline might have to be reconsidered.

## C. ELECTIONS BUDGET

Like the elections timeline, the final elections budget will depend on the completion of the electoral framework: the electoral system, the type of elections, boundary delimitation, refugee/IDP participation, etc. The cost of the boundary delimitation exercise is highly dependent on the type of electoral system chosen for the national elections as well as whether local elections will be conducted. If no local elections are conducted and some type of county-based proportional representation system is used for the legislative elections, the cost of boundary delimitation would be negligible, as it would involve only the verification of county boundaries. However, if single-member federal constituencies and the boundaries of the chieftaincies and municipalities are also delimited, the costs could be significant, depending on the methodology used. The budget would also be affected if refugee voter registration and voting were undertaken in neighboring countries and/or if special registration and voting procedures were used for IDPs.

Prior to the finalization of the elections budget, it will be necessary to determine the level of UNMIL support for NEC's logistical operations. The present draft elections budget includes more than \$2 million for vehicles, fuel, and maintenance. While it is certain that transportation is required for NEC headquarters and county offices, election-related movement of personnel and materials might be supported by UNMIL. Such support would also allow NEC to maintain a transportation fleet that can be sustained in the long term.

One final factor affecting the budget is the size of the expected electorate. The UN estimates that Liberia's population is 2.9 million. To identify the potential electorate, it can be estimated that 50%, or 1.45 million are 18 years or older and thus eligible to vote. The budget assumes that all eligible citizens will have access to the voter registration process. While it is unlikely that 100% of the electorate will turn out for registration, and whether refugees/IDPs will participate in the registration process is unknown, it is advisable to anticipate 100% voter registration to ensure adequate materials and registration centers, particularly as the population figures are so uncertain. Once voter registration is completed, and the number of registered voters is known, the elections budget can be adjusted to reflect the estimated number of voters.

Given the many unknowns noted above, at this point it is difficult to accurately estimate the potential elections budget. For planning purposes, a tentative figure of \$16 million<sup>5</sup> for an elections and operational budget for the period of July 2004 – January 2006 could be used, but this figure would not include local elections, a costly constituency delimitation exercise, out-of-country refugee registration/voting, and the necessary logistical support. This figure would include operational costs for the NEC, such as the rehabilitation of offices and provision of equipment. International technical assistance is not included in this budget as that could be determined separately by the organizations providing the technical advisors. It is stressed that this budget figure is tentative and should be used for preliminary planning purposes only. It could increase or decrease by several million US dollars depending on the electoral framework, the election timeline, and further budget review.

For the 1997 Special Elections, the official elections budget was almost \$4.7 million. However, given unanticipated elections expenses and some under-estimation of election expenditures, it is likely that up to \$10 million was spent by the international community and the government of Liberia in the conduct of the elections (not including technical assistance and logistical support provided by ECOMOG and UNOMIL). In 1997, there were 670,000 registrants<sup>6</sup> and the total

<sup>5</sup> It should be noted that a figure of \$4.3 million for the elections is used in the February 2004 report of the Joint Needs Assessment conducted by the World Bank and the United Nations.

<sup>6</sup> At the time of the 1997 elections, there were about 800,000 Liberian refugees—about 320,000 of whom were of voting age—who did not participate in the elections. (Source: US Committee for Refugees, *World Refugee Survey*, Washington, DC: 1997)

number of voters was unknown, but perhaps more than 650,000.<sup>7</sup> With such figures, the cost of the 1997 Special Elections is tentatively estimated at \$15.00/voter. With a possible budget of \$16 million for 2005, and a very preliminary figure of 1.3 million voters (not counting on 100% turn-out), the cost per voter would be \$12.30/voter, even given the longer electoral period, the inclusion of certain operational expenses, and the use of three ballots for the national elections. However, it is again emphasized that the tentative budget of \$16 million does not include potential additional costs that might be incurred depending on the design of the electoral framework or logistical requirements.

A full, detailed electoral operations budget is indispensable for the international community to provide the necessary support. Equally as important is transparency with regard to the NTGL contribution to the elections budget, including accounting and auditing procedures for these funds. It is recommended that the international community consider providing technical and operational support to the NEC to facilitate the accounting of its election expenses.

The Director of the Budget Bureau indicated to IFES that the NEC is expected to submit its four-year budget (for the period beginning July 1, 2004) in May, along with other government departments and agencies. Over the next few weeks, then, the NEC will need to develop projections for its personnel and operational expenditures for submission to the NTGL.

---

<sup>7</sup> The total number of valid votes cast was recorded but some polling stations did not accurately record or report the number of spoiled or invalid ballots cast. Thus, the total number of ballots cast (valid and invalid), which equals the total number of voters, is not known.

### III. ELECTORAL PARTICIPATION

Organizing elections is an undertaking that goes beyond the best legal framework, most detailed planning, efficient administration and meticulous execution. Oftentimes, particularly in post-conflict elections, there are variables in the environment that have ‘show stopper’ potential and need to be addressed in order to increase confidence in the process. Such variables are generally related to the electoral participation of citizens, political parties and civil society. A prerequisite for citizens’ participation is voter registration, an exercise that is difficult, time-consuming, labor-intensive, and fraught with innumerable problems for the integrity of the election process and legitimacy of the election outcome. Citizens’ freedom and safety as well as political parties and citizen organizations’ freedom of movement are also critical factors in post-conflict elections. This section assesses the salient components of broadening electoral participation. The aim is provide an overview of the issues that have political dimensions affecting the electoral process.

#### A. POLITICAL PARTIES

Most of Liberia’s 18 registered political parties share common characteristics: they have resource constraints, are poorly institutionalized due to personalized leadership, are Monrovia-based with only a feeble presence elsewhere in the country, lack ideological platforms and have weak organizational structures. The six years of Charles Taylor’s regime deprived them of opportunities to maintain strong membership structure due to the political coercion and intimidation at the grassroots level. Moreover, nearly half of the parties are organized according to ethnic cleavages; most are reportedly unable to mobilize vertically along the social spectrum because of their elitist character. All the registered parties were signatories to the Comprehensive Peace Agreement (CPA) but the battle over positions in the Transitional Government led many to reaffirm that politicians are yet to consider politics as a means of public stewardship but rather continue to value it for personal enrichment.

The impact of the resulting weak political parties on overall democratic development in Liberia include: a slow process of national reconciliation and unity; the perception of parties’ exclusive ethnic politics; delayed institutionalization of accountability and rule of law as a result of a patrimonial political system; and the slow achievement of a power balance amongst democratic institutions. The electoral process is also affected by any citizen doubt about the power of a vote to make a difference—in other words, there is a danger of ensuing apathy. Citizens often participate because they understand the nature of elections and politics. They are unlikely to become more invested when they do not believe they can meaningfully engage political actors. Furthermore, voters may be deprived of a wide array of candidates as well as a political education that enables them to make objective choices. The disorganization of the parties may lead to their inability to meet deadlines and the concomitant allegation of discrimination. This, too, affects the perceived legitimacy of the electoral process and its outcomes.

In meetings with the IFES mission, all the parties expressed a desire for a credible election process. The capacity and performance of the NEC concerned most of the parties as much as the neutrality of the Chairman of the National Transitional Government of Liberia (NTGL) in political matters. The ability to move freely within the country free from political intimidation by ethnic militants was another major issue. The parties also discussed the importance of creating a level playing field—in terms of financial resources as well as access to airwaves—in order to generate credible elections. However, the rate of poverty and unemployment as well as the dislocation of citizens significantly impact parties’ ability to raise funds.

While the ultimate judge of the survival of a political party should be the electorate, through the ballot, it is anticipated that incentives would be given to parties to form coalitions for the elections.

There is a perception that the current number of political parties is too high and that, therefore,

registration guidelines should be reviewed. It is expected that it would be difficult to deregister parties that were signatories to the CPA. Furthermore, reducing the number of parties may exacerbate the perception of a politics of exclusion. While the ultimate judge of the survival of a party should be the electorate, through the ballot, it is anticipated that incentives would be given to parties to form coalitions for the elections.

## **B. CIVIL SOCIETY**

Liberia has a plethora of civil society organizations (CSOs) that can be classified into several groups: cultural (religious, ethnic and communal organizations); informational and educational (production and dissemination of news and information); economic (productive and commercial associations); interest-based (professional organizations, labor unions); issue-oriented (women's and human rights associations); developmental (social sector and infrastructural activities); and political (creations of political parties).

In the last 15 years, despite the consequences of the conflicts, some of these organizations have been persistent in seeking ways to improve the political and electoral systems. CSOs have enhanced their understanding of the democratic process while widening the political sphere for citizens' participation. In addition, they have served as the voices of citizens in promoting peace and guaranteeing civic rights. In fact, Charles Taylor was said to fear civil society more than political party opponents because, while the latter was a known entity in wrestling matches for power, CSOs were perceived as an unfamiliar adversary with possibly greater popularity with the citizens.

However, Liberian CSOs still confront challenges such as a lack of resources, which has created a dependency on international donors. Weak organizational and technical capacities are widespread. The last six months have also created an identity crisis: while their role as observer and witness during the Accra peace negotiations provided evidence of the strength of Liberian CSOs, the subsequent participation of CSO members in the NTGL and Transitional Legislative Assembly cast doubt on civil society's ability to act as a watchdog. In addition, the inability of many CSOs to coordinate their efforts in different areas has made it difficult to maximize resources and thereby achieve a greater impact.

In the past, the civil society sector has served as an important and efficient vehicle for disseminating voter education and for safeguarding the credibility of the electoral process. Some organizations are already participating in DDDR activities as well as in the promotion of national reconciliation. These activities are pivotal to voter education and may well be built upon in the future. The often ignored cultural organizations represent a viable means of dissipating the rumors and propaganda, sometimes disseminated by extremists, that feeds electoral and political tensions. In some communities, these cultural organizations reportedly brokered 'pacts' among the communities and combatants guaranteeing that arms would not be brought out in public; these pacts are still being respected.

While some CSOs lack credibility with the people, others are experienced in creating a space for articulating diverse viewpoints, approaches, and opinions. Such organizations can meaningfully contribute to both the transparency and accountability of the electoral process in addition to helping create civic and voter awareness campaigns. The challenge will be to reliably locate apolitical organizations to be engaged in these endeavors.

## **C. MEDIA**

One essential prerequisite for credible elections is freedom of the press. There has been no report of press censorship or restrictions by the NTGL, and it is expected that freedom of the press will continue throughout the period leading to the elections. The role of the media is crucial

in disseminating election-related information and in providing political parties the opportunity to convey their messages to the electorate.

Although media outlets appear to be sufficiently represented, their reach poses a source of concern. In addition, because of security and safety issues as well as the limited availability of resources to field journalists around the country, there is little news coverage of events outside Monrovia. The dissemination of news in local languages, given the rate of illiteracy, is severely limited. For example, the Liberian Broadcasting System (LBS) broadcasts daily in 18 local languages but only for seven minutes per language. Nearly a dozen newspapers make up the print media, but distribution is curtailed by transportation bottlenecks that mainly limit availability to Monrovia. The high cost of newsprint and printing machinery also constrains its affordability to citizens. The illiteracy rate of 85% also implies that readership is severely limited, especially given that there is no newspaper published in any of Liberia's local languages.

There are several electronic media, but all operate on FM frequency in Montserrado County without national coverage. The only radio station with operational short-wave capability, Veritas, currently experiences technical difficulties with its SW transmission. There are community radio stations with a broadcast capacity of a 20-mile radius; these stations represent the most viable potential outlet for communication with the electorate, even if they are low powered with a small broadcast range. Although two television stations exist, viewership is limited because of limited electric power and the small number of TV owners.

Radio represents the most viable potential outlet for communication with the electorate.

Generally in other countries, radio and television stations provide political parties time to articulate their ideology and programs. In Liberia, the resource constraints of some of the stations may limit this opportunity. LBS, for example, disclosed that it was barely receiving sufficient funds to cover operational expenses. In fact, it currently goes off air between 11.00 a.m. and 1.30 p.m. to cut costs. LBS disclosed that it may have to charge political parties that want coverage of their campaigns or political meetings.

As the UN provides greater access within the country and freedom of movement improves, it is expected that some of these issues related to information access will improve. The eventual ability of the media to play a significant role during the electoral process will also depend on how quickly radio transmitters destroyed during recent fighting can be repaired. It is also conceivable that there would be stepped up efforts to support community radio stations that broadcast in local languages in order to promote the wider dissemination of information among rural and illiterate populations.

## **D. CONFLICT-FORCED MIGRANTS<sup>8</sup> AND DISENFRANCHISEMENT**

The large number of internally displaced persons (IDPs) and refugees create a number of challenges for the electoral process, including how to support the political participation of a wide segment of the electorate; the unintended disenfranchisement of voters; political coercion; electoral fraud; and most importantly, the legitimacy of the electoral process and elected representatives. It is estimated that about 30% of Liberia's estimated population of 2.9 million are either IDPs or refugees—about 600,000 IDPs and nearly 300,000 refugees. Of the 600,000 IDPs, nearly 400,000 are estimated to be in camps or with families/friends in Monrovia, while over 100,000 are displaced in Bong County. The refugee population also lives in neighboring countries, particularly in Guinea, Côte d'Ivoire, Sierra Leone, and Ghana.

<sup>8</sup> For additional background detail, see *Liberia: Refugees and Internally Displaced Persons in the October 2005 Elections*, Jeremy Grace, Participatory Elections Project (PEP), International Organization on Migration (IOM), Action Plan III, May 2004.

This massive displacement has incalculable impact on social, economic, and political reconstruction, but it poses a particularly difficult problem in the context of voter registration and polling. Historically, significant formal 'out-of-country' and IDP voting programs have taken place when written into the respective peace agreements, constitutions or electoral laws. These have had mixed results with respect to participation, perceived transparency, cooperation of host/partner governments, and public confidence.

An initial review of the willingness of the Sierra Leone, Guinea, and Côte d'Ivoire governments to allow and support registration and voting among Liberian refugees currently residing in their

countries has found lukewarm interest at best and outright resistance at worst. In addition, political and technical actors inside Liberia have consistently expressed serious concern and skepticism regarding the likelihood of systematically and positively establishing

The experience of the 1997 elections does not inspire confidence that Liberia's neighboring countries would permit voter registration or voting by Liberian refugees in their countries.

refugees' identity in order to guarantee voting eligibility pursuant to international standards and those likely to be set down in the electoral law. That is not to say that voter registration and polling is impossible among the refugee population, but it cannot be assumed to be a politically or operationally foregone conclusion. The experience of the 1997 elections does not inspire confidence that the neighboring countries would permit voter registration or voting in their countries.

IDP registration and voting is slightly less complex and rife with political pitfalls, but it would also require significant additional time and cost to ensure the availability and legitimacy of an 'intent-to-vote' facet in the overall polling process.

The unintended disenfranchisement of the IDPs and refugees can be caused by factors such as security (the country's uncertain safety; the fear of traveling along bush paths; and the social stigma of being stereotyped by those not displaced); infrastructure problems (the inadequacy and deterioration of rural road networks; the feasibility or high cost of traveling); fear of losing refugee status in host countries; economic issues (IDPs who have work in host countries may be unwilling to leave it for the economic uncertainties of Liberia); and climatic conditions like the rainy season.

The status of refugees and IDPs presents logistical challenges for election planning and administration. Their repatriation and timely

The timing of the repatriation and resettlement of refugees and IDPs will affect how they are able to participate in the electoral process.

resettlement is expected; in fact, the UN has announced that it would begin repatriating refugees in October, provided that DDRR remains on schedule. However, in a post-conflict electoral environment, it is often difficult to predict IDP and refugee movement after repatriation.

Equally important is the identification of Liberian citizens among those displaced and returning as refugees given the lack of a national identification system. The ability of the NEC to conduct voter registration in a timely fashion also has implications for the delimitation of electoral boundaries. A less scrupulous registration process provides opportunities for double voting. IDPs and refugee sometimes require more election and civic information so that their ballots do not end up invalid. All these technical problems have implications for the legitimacy of the electoral process and the acceptance of the outcome of the elections.

There are also political ramifications of the status of IDPs and refugees. When returning to their homes, such populations would expect their safety to be guaranteed by the UN. Were the affected citizens to depend on local militias, they would be susceptible to the coercion of their free choice. The constant movement of people, after repatriation, may also make it difficult for



political parties to explain their platform and message to the people. In a volatile political environment, the possibility that some parties would allege that the movement is orchestrated by a rival party should not be ignored. Such disagreements do have potential to stall an electoral process.

## E. VOTER REGISTRATION

Prior to 1997, voter registration in Liberia has historically been based on periodic lists (compiled by hand, not computer, prior to each election) due to the lack of election administrative and physical infrastructure needed to develop and maintain a continuous list or civil registry. In the last national elections, though, efforts were undertaken to maintain a registry that would ultimately be kept electronically. However, a lack of resources (both political and financial), continued conflict, and massive population shifts (since the 1997 elections in particular) have rendered any remaining datasets nearly useless, except for historical reference and illustrative context.

A prerequisite for citizens' participation is voter registration, an exercise that is difficult, time-consuming, labor-intensive, and fraught with innumerable problems for the integrity of the election process and legitimacy of the election outcome.

The reform of the electoral system (see CPA, Article XVIII, Electoral Reform, Section 1) via the drafting of a new electoral framework will set a number of critical benchmarks and standards for the conduct of registration for the October 2005 elections.

### 1. Eligibility Criteria

International standards<sup>9</sup> for voter registration have several core requirements. Among the fundamentals, first and foremost is citizenship, followed by the attainment of the age of majority (commonly 18 years), lack of legal exclusion by virtue of state-adjudicated mental incapacity, felony or other conviction, and, depending upon the level of the election (local, municipal, national), a period of residency. In some specific cases, corollary requirements may include membership in a socio-cultural or ethnic group (for example, selection of a chieftain in local elections).

Articles 27 and 28 of the 1986 Constitution establishes the requirements for citizenship<sup>10</sup> and the 1986 New Elections Law further states the criteria for voter registration:

"Every citizen of Liberia who has attained the age of eighteen (18) years or older, may register as a voter except one who has been judicially declared to be incompetent or of unsound mind or who has: been disfranchised as a result of conviction of a infamous crime and has not been restored to citizenship. Every voter shall be allowed to vote only in the constituency where he/she is registered."<sup>11</sup>

As presently mandated, voters are prevented from voting in a constituency where they are not registered. This prohibition should be carefully reviewed in the context of developing an electoral framework that ensures displaced populations can participate meaningfully in the elections.

Needless to say, while clearly conforming to international and regional standards legally, the operational determination of eligibility among populations inside and outside Liberia (particularly

<sup>9</sup> *Inter alia*, see: Yonhyok Choe, *How to Manage Free and Fair Elections: A Comparison of Korea, Sweden and the United Kingdom* (Goteborg: Goteborg University, 1997), p. 133.

<sup>10</sup> Constitution of Liberia, 1986, Article 27b: "In order to preserve, foster and maintain the positive Liberian culture, values and character, only persons who are Negroes or of Negro descent shall qualify by birth or by naturalization to be citizens of Liberia." Article 28: "Any person, at least one of whose parents was a citizen of Liberia at the time of the person's birth, shall be a citizen of Liberia; provided that any such person shall upon reaching maturity renounce any other citizenship acquired by virtue of one parent being a citizen of another country."

<sup>11</sup> New Elections Law, 1986, Chapter 3, Section 3.1.

among refugees forced to migrate by conflict and internally-displaced people) will be politically challenging for parties to the CPA as well as difficult to adjudicate 'on the spot' during registration, because these people generally do not have the documents to prove they meet the legislated requirements noted above.

Fortunately, numerous similar post-conflict elections have built up a base of experience and mechanisms both for integrating existing documentation and datasets and for establishing alternative means of establishing identity and eligibility through positive social affirmation (i.e. respected local figures 'vouching' for the veracity of an applicant's claim, the use of witnesses already registered via documentation, or tests of local/national knowledge and alternative proof of residency and integration into the fabric of the community/constituency).

## **2. Electoral Systems and Participation**

While certain core information is necessary for any voter registration—generally the individual's family name, given name, address, date of birth, and gender—additional information may also be required on a case-by-case basis to further capture or validate an identity, including physical description, father's or mother's name, social reference or confirmant, signature, fingerprint, or photograph.

In addition, administrative data needs to be appended to a completed registration noting additional information necessary both for adherence to the electoral system and law and for efficient identification of individual records for later review, amendment, or re-assignment. Liberia's historical use of a majoritarian system requires the delimitation of constituencies based on population dispersion and number of representative seats to be elected. The Special Elections Package and law of 1997 created an exception to this precedent by using a proportional representation (PR) system with a single nationwide constituency and eliminating the need for constituency-specific boundary delimitation and registrant coding.

While running counter to the familiar majoritarian preferences in the country, the PR system eliminated the need for complex, costly and potentially socio-politically divisive majoritarian races, where the 'winner-take-all' result could disenfranchise nascent violent factions, and allowed for the inclusion and representation of all Liberians, including those subjected to conflict-forced migration yet participating in the electoral process.

## **3. Constituencies, Residency, and Intent**

The aforementioned people forced by conflict to migrate should—in principle and assuming some system of representation requiring delimitation and the associated integrated registration process—be enumerated and assigned a legal presence in absentia at their original, pre-war constituency-of-residence rather than their current temporary location of presence (refugee camp, IDP camp, or interim informal domicile). While subject to a number of legal and operational points-of-scrutiny, the use of a 'declaration of intent' to vote in a location-of-origin has the theoretical advantage of reversing mass population flight and buffering an otherwise traumatized political process against additional destabilization by potentially massive disenfranchisement. However, such a process does create the possibility of potentially massive 'electoral engineering' by removing the checks and balances of socio-geographic presence normally required in the registration process. If political parties could generate the technical and operational wherewithal to effectively craft a strategy of mathematical analysis representing likely voting trends in contestable constituencies and the necessary external (refugee/IDP) 'registration-of-intent,' they might be able to sway the election outcome to their advantage.

## **F. ELECTION SECURITY**

The security of the election process depends largely on the effectiveness of the disarmament and reintegration of about 60,000 combatants. After a four-month lull, the disarmament program recommenced on April 15, and lessons learned after the first exercise are being applied. The UN force has reached 14,000 of its 15,000 strength and has established a presence in 13 of the 15 counties. The presence of UN peacekeepers will likely serve to boost citizens' confidence in the peace and electoral processes. The NEC structures at the county levels will not become operational until safety is restored around the country. Political parties have also expressed concerns about their inability to organize around the country.

While disarming the combatants will be difficult, productively reintegrating and resettling them in society will be a greater task. The process of resettlement affects their ability to participate in voter registration and civic education. The process of taking arms away from combatants is as important as releasing them from a mobilized state of political thuggery, intimidation of political opponents, crime and looting, etc. For Liberia to break the cycle of violence, it is imperative to cut the connections between combatants and their leaders by ensuring former fighters have a stake in a functioning society. This will, in turn, force erstwhile military leaders to pursue their objectives in the political arena.

Political and/or personal intimidation can be a greater problem during campaigns and the months prior to elections rather than during voting. In many cases, political parties try to control the voter registration process so as to exclude the supporters of rival parties. Violence and intimidation are also used to keep candidates from campaigning freely everywhere. The reality that some political parties are organized around ethnic cleavages implies that 'no go' areas may be established for rival parties.

While it is a positive sign that the warring factions have not coalesced into a single political party, their ability to form coalitions should not be ruled out. Liberia is not an exception to the polarization and deep mutual distrust among former adversaries, even if such people were united less by ideological convictions and more by economic interests. The distrust and antagonisms run deeper among the communities than political leadership. However, the politicians tend to exploit such scenarios to create political stalemates that can hold the whole electoral process for ransom.

## **G. CONCLUSIONS AND RECOMMENDATIONS**

Elections in war-torn countries serve not only to complete a peace agreement but also to enable the contentious issue of political legitimacy to be addressed and democratization to be furthered. Sometimes, the best technically managed elections may fail due to the inability to anticipate and devise means to cope with political issues. A great deal will depend on the management of the political spoilers and the conduct of elections in the face of difficult logistical and security conditions.

In reality, Liberia has had limited traditions of democratic contestation. It is highly probable that political parties will appeal to parochial loyalties and advance unfounded charges to gain votes. It is, therefore, recommended that a space be created for ongoing discussion, consultation, and negotiation between political party leaders and the NEC. The negotiation of election rules and procedures is particularly important to reinforce commitment to elections and acceptance of their results. Whenever possible, parties should be encouraged to enter discussions concerning long-term electoral issues as stipulated by the Liberian constitution. Furthermore, developing and enforcing a comprehensive code of conduct will provide an opportunity for a sustained dialogue and for creating consensus between the political parties and NEC. A code of conduct prevents a given party's isolated noncompliance with electoral regulations from developing into a major

political issue while, at the same, it imposes much needed self-discipline and restraint on the behavior of political activists. Without jeopardizing the democratic principles of participation and freedom of association, it is recommended that NEC enforce the existing and applicable regulations and guidelines on political party registration and financing so that the playing field will be comprised of serious contenders.

With respect to civil society interventions, it will be helpful if international NGOs partner with local civil society organizations so that they can receive valuable experience and expertise. Gender parity can be ensured by supporting women's organizations in order to specifically target women for voter education and political mobilization. It is important to establish a mechanism to coordinate CSO activities on civic education for DDDR so that later it can be built upon for voter education.

Technical assistance will be needed to make the media more professional and accessible and to expose them to the norms of objectivity. Short and subject-focused training about elections can also be provided. Civil society partners need to be involved in civic and voter education as a complement to what the media will provide citizens about the electoral and voting process. Civic education should include messages about why people need to vote, what they are voting for, and how to participate in the election.

The electoral timetable, election system and formula should take into account the special needs of IDP and refugees. Should a single-member majoritarian system be used, the process of voter registration and constituency delimitation should begin early enough so as not to slow down other aspects of the electoral process. Eligibility criteria for electoral participation need to be clearly and carefully established. This can then be followed by a countrywide voter registration exercise and, possibly, the registration of refugees in neighboring countries. Spontaneous repatriation needs to be encouraged but a systematic repatriation will have to be facilitated in collaboration with UNHCR and UNMIL.

With regard to security, it is important to take advantage of the opportunity of the moment: those carrying arms are exhausted by war and ready to turn in their arms. In order for elections to be successful, it is very important that citizens perceive security to be permanent and lasting. This perception requires a visible presence of a UN force on the ground. It is understandable that most election observers feel uncomfortable with the presence of security agents on election day, especially around polling stations, but this would be required not only for deterrence but also to create a public perception of relative safety. It is important to focus public attention less on the election day itself and more on early assessments of the ongoing preparations through election monitoring. Discrete community-level interventions and support will be needed so as to make people who still possess guns feel socially ostracized should they bring any guns out.

## IV. ELECTORAL REFORM

Electoral reform is the key challenge in preparing for Liberia's October 2005 elections, and it must begin immediately so that the rules governing the conduct of the elections can be agreed upon in time for their effective implementation. The starting point for reform is the Comprehensive Peace Agreement (CPA), which calls for the reform of the electoral system prior to the next elections. The end point is the agreement on the electoral framework, which should be finalized no later than October 2004.<sup>12</sup>

The electoral reform process will need to take into consideration all aspects of the upcoming elections: the electoral system; boundary delimitation; the type of elections to be conducted (national/local); and citizen participation in the process. A comprehensive examination of all electoral issues will help ensure that the choice of electoral system and the type of elections to be held meet the nation's needs. It will also facilitate the development of an electoral framework that enables the effective and credible administration of the process.

The electoral reform process will need to consider:

- the electoral system;
- boundary delimitation;
- the type of elections; and
- electoral participation.

The scope of the required reform will involve the examination of some Constitutional provisions relating to elections. It may be decided that what is required is more than a new elections law and rather an Electoral Framework, which, importantly, addresses issues of governance, thereby laying a strong foundation for Liberia's nascent democracy. The process by which this electoral framework is developed must be inclusive and perceived as legitimate by all of Liberia's major stakeholders. It has often been said that this transitional period is a time for Liberia "to get it right." As the upcoming elections will shape the body politic and the direction of democratic development in Liberia, they must be thoroughly and seriously discussed, and the electoral process that results should meet not only the short-term goal of an elected government in 2005 but also the long-term governance goals of the nation.

### A. ELECTORAL SYSTEMS

The choice of electoral system determines the relationship between votes and legislative seats—i.e., how directly national votes translate into parliamentary seats won (the proportionality of votes to seats). The hundreds of types of electoral systems in use worldwide can be grouped into three main categories:

1. the majority-plurality;
2. the semi-proportional; and
3. the proportional.

In 1994, South Africa used a highly proportional system, and the result was that the African National Congress won 63% of the national seats following a win of 62.5% of the popular vote. On the other side of the spectrum was Lesotho which, in 1993, had a classically majoritarian, First Past the Post (FPTP) electoral system, which resulted in the Basotho Congress Party winning every seat in the 65-member parliament with 75% of the popular vote; there was no parliamentary opposition at all, and the 25% of electors who voted for other parties were completely unrepresented. Thus, in determining the choice of electoral system it is important to consider the vote-seat ratio as well as the number of wasted votes.<sup>13</sup>

<sup>12</sup> Comprehensive Peace Agreement, August 2003, Article XVIII, Section 1: "The Parties agree that the present electoral system in Liberia shall be reformed."

<sup>13</sup> Administration and Cost of Elections (ACE) Project, Version 1.0 [online data collection], 1998-2003.

Liberia has had experiences with two types of electoral systems: the majority-plurality (last used for the 1985 national elections and for the 1998-1999 legislative by-elections and local elections) and the proportional representation system (used for the July 1997 Special Elections).

### 1. Liberia's 1997 Special Elections: Proportional Representation

The elections of 1997 were conducted under the framework of a Special Elections Law, which called for elections using a national-list proportional representation (PR) system. The Special Elections Law, 1997, was one component of the Electoral Package for the 1997 elections, which also included Codes of Conduct, an operational work plan, and the elections budget. The decision to develop the Electoral Package was made by the ECOWAS Committee of Nine Meeting, held in Monrovia in February 1997. The Special Elections Law, and other components of the Electoral Package, were approved by the Economic Community of West African States (ECOWAS) in May 1997. The Electoral Package was formulated by the Independent Elections Commission (IECOM) with technical assistance and in consultation with Liberia's stakeholders.

The 1997 proportional representation system had the following characteristics:

- The nation was considered as one constituency, and parties submitted candidate lists for the whole country;
- The list of candidates was "open" in that contestants were not pre-assigned to any constituency or county; and
- Only one ballot was cast—by marking the ballot paper, the voter voted for all three posts (president, Senate, House).

The results of this design were that there was no overt link between the legislative candidates and the voter and that the party that garnered the most votes automatically won both the presidency and a proportional number of legislative seats. It should be noted that these are not typical results of proportional representation systems, nor are the characteristics listed above necessary features of PR systems. Instead of one constituency (the nation), a PR system can use smaller units (such as states, districts or counties) as multi-member constituencies. Further, parties can submit "closed lists" of candidates, pre-assigning candidates to certain constituencies after selecting them in a transparent manner. Additionally, in a presidential system, such as that of Liberia, citizens directly elect their president and cast separate ballots for legislative seats. PR systems can be, and are throughout the world, formulated in such a way to as to promote accountability of the politicians to constituencies. They thereby lessen a "winner takes all" result and promote the checks and balances that a diverse legislature can provide.

As Table 1 below demonstrates, the results of the legislative elections were significantly proportional, particularly with regard to the seats in the House of Representatives, and there were few "wasted" votes.

**Table 1 : Results of 1997 Elections (Seats / Votes)**

	Percent of valid votes (1997)	No. Senate Seats	Percent of Senate Seats	No. House seats	Percent of House seats
NPP	75.3%	21	80.8%	49	76.6%
UP	9.6%	3	11.5%	7	10.9%
ALCOP	4.0%	2	7.7%	3	4.7%
Alliance of Political Parties	2.6%			2	3.1%
UPP	2.5%			2	3.1%
LPP	1.6%			1	1.6%
<b>Total</b>		<b>26</b>		<b>64</b>	

## 2. Constitutional and Legal Provisions of 1986: Majority-Plurality

Following the 1997 elections, Liberia reverted to the 1986 Constitution and the 1986 Elections Law. In 1998-1999, the Elections Commission conducted legislative by-elections (to fill posts vacated as a result of resignation or death) as well as municipal and chieftaincy elections in some counties.

The distinguishing feature of a majority-plurality system is that candidates are elected from single-member constituencies. The 1986 Constitution calls for the following elections from single-member constituencies:

<u>Office</u>	<u>Constituency</u>
President	Nation
House of Representative	(Federal) Constituency
Paramount Chief	Paramount Chiefdom
Clan Chief	Clan
Town Chief	Town
Mayor	Municipality

For those offices listed above, candidates are elected through absolute majority, with a run-off election if no candidate obtains more than 50% of the valid votes. The 1986 New Elections Law specifies that:

“All elections of public officers shall be determined by an absolute majority of the votes cast. If no candidate obtains an absolute majority in the first ballot, a second ballot shall be conducted on the second Tuesday following. The two candidates who received the greatest number of votes on the first ballot shall be designated to participate in the run-off election and the candidate who then obtains a majority shall be declared elected.” (S 4.15)

However, for the election of a senator, each county has two seats. Thus, each county is a multiple-member constituency. This is a variation of the Single Non-Transferable Vote (SNTV) system whereby each elector has one vote, but there are two seats in the constituency to be filled. The two candidates who receive the highest number of votes are elected as senators.

## 3. Considerations for Electoral System Design for the 2005 Elections

In determining the type of electoral system for Liberia’s 2005 elections, and possibly beyond, decision-makers and stakeholders should:

- Foster the accountability of elected officials to their constituents;
- Encourage cross-cutting political parties (they should encourage the development of parties that are based on broad political values and ideologies as well as specific policy programs, rather than those based on narrow ethnic, racial, or regional concerns);
- Promote a legislative opposition (they should avoid a winner-take-all result);
- Ensure a representative legislature (geographically, politically, functionally);
- Provide incentives for reconciliation (tools of conflict management);
- Facilitate stable and efficient government;
- Make elections accessible and meaningful (ease of voting); and
- Take into consideration the nation’s administrative and financial capacities.<sup>14</sup>

<sup>14</sup> Ibid.

The issues before the elected government of 2005 could include constitutional reform, the reinvigoration of democratic local governance, the continued reform of the security services, the reform of other institutions (judiciary, etc) and economic and social development. Some pertinent questions include: What sort of government will best ensure that the diverse voices of Liberian citizens are heard and how will Liberia's various political actors work to meet and overcome these challenges? The choice of electoral system will shape Liberia's elected government, its processes, and its policies.

In meetings with the IFES team, most Liberians stated their strong dissatisfaction with the type of proportional representation system used for the 1997 elections. With the national-list PR system, legislative candidates did not run on a constituency basis, and as a result voters did not know for whom they were voting, or who would eventually represent their county. Further, the political

The choice of electoral system will shape Liberia's elected government, its processes, and its policies.

parties did not exercise transparency in developing their lists of candidates nor were these lists, once submitted to the IECOM, well publicized. This national-list system did not promote the accountability of the members of the legislature to any constituency. Once elected, politicians were perceived as representing their own interests and not those of the voters who elected them. Most agreed that the result of this lack of accountability was the co-opting of legislative representatives by the elected President, thereby forestalling any separation of legislative-executive powers and the usual checks and balances that underpin democracy. Weak opposition parties, with little or no policy program or platform, also meant that many representatives had negligible allegiance to party ideals. Further, the political and personal incentives and rewards for support of the ruling party or for silent opposition were great and real.

The separation of representatives from their constituencies might have been one of the factors contributing to the armed conflict that developed in the aftermath of the 1997 elections. Certainly, citizens outside of Monrovia felt and, to a great extent, were unable to influence their representatives' actions or, by extension, government policy. This, of course, was compounded by the results of the single-ballot system. With the NPP winning 75% of the vote, the party took both the legislature and the presidency. What little check-and-balance influence that the legislature could have exerted on the presidency was mitigated by the high degree of power vested in the president, as mandated in the 1986 Constitution. The success of the armed campaigns of MODEL (Movement for Democracy in Liberia) and LURD (Liberians United for Reconciliation and Democracy), even though influenced greatly by external forces, would not have been possible without extreme public dissatisfaction with the Liberian government and citizens' frustration at their inability to affect policy through peaceful, political means.

A fundamental principle of the Republic of Liberia, as enshrined in the Constitution, is national integration, regardless of ethnic, regional, or other differences. Numerous politicians and civic activists have stated that many of today's political parties in Liberia have an ethnic identity and/or draw their base of support from certain regions or counties. In

In designing the electoral system for 2005, efforts should be made to minimize the ability of political parties to exploit ethnic cleavages. This is imperative given Liberia's history of ethnic conflict.

designing the electoral system for 2005, efforts should be made to minimize the ability of political parties to exploit ethnic cleavages. This is imperative given Liberia's history of ethnic conflict.

efforts should be made to minimize the ability of political parties to exploit ethnic cleavages. This is imperative given Liberia's history of ethnic conflict.

The design of the electoral system should persuade political parties to seek support outside of their traditional bases and to develop platforms and policy programs that appeal to voters regardless of their ethnic identity. Parties can be encouraged to do this if they can see the possibility of winning seats from outside their historical areas. The design of the electoral system can provide an incentive to smaller political parties, in particular, to extend their bases and to develop platforms that would appeal to a larger constituency.



While Liberian stakeholders are firm in the position that they do not want the national elections of 2005 conducted under the type of PR that was implemented in 1997, there are variations of PR that might very well meet Liberia's needs. The electoral system used by Sierra Leone for its May 2002 national elections might be interesting for Liberians to review. Constitutionally, Sierra Leone has a majoritarian system, with single-member constituencies, but, like Liberia, its census data was out-dated (a census hadn't been conducted since 1985) and the constituency boundaries were due for review. Sierra Leone used a national-list proportional representation system for its 1996 parliamentary elections, which were conducted while fighting was underway. In discussing options for the 2002 national elections, Sierra Leoneans expressed strong dissatisfaction with the national-list PR system as there was no linkage or accountability between parliamentarians and constituencies and agreed not to use that system for the 2002 elections. Deciding that accurate constituency delimitation was not feasible prior to 2002, given that many IDPs were not in their home areas and that there was not enough time to conduct a technically sound exercise, Sierra Leonean political and civic leaders decided to use the pre-existing districts (comparable to Liberia's counties) as multi-member electoral units, assigning parliamentary seats to the districts using various data. Under this proportional representation system, parties submitted candidate lists for the districts. Voters were given two ballots—one for the president and one for parliament. The parliamentary ballot paper listed the parties contesting in that district. In selecting candidates for a district list, parties were required to nominate candidates from that district. Although the selection process itself was criticized for its non-transparency, the district list did promote the accountability of those elected to a specific constituency.

The PR of Liberia's 1997 elections and the majoritarian system of the 1986 legal framework are at two ends of a very long and diverse spectrum of electoral systems. Careful consideration must be given to the type of electoral system used for Liberia's 2005 elections and to how the design of that system can best reflect the nation's short- as well as long-term governance and peace-building objectives.

## B. BOUNDARY DELIMITATION

Whichever electoral system is used for the 2005 elections, the county boundaries will need to be reviewed and verified (as two counties have been created since the 1997 elections<sup>15</sup>). Indeed, this is called for in the Comprehensive Peace Agreement.<sup>16</sup> Liberia's constituency boundaries were last delimited following the 1984 census, in preparation for the 1985 national elections, and resulted in constituencies of unequal voting strength. If a majoritarian, single-member constituency system for the House of Representatives is chosen, the legislative constituency boundaries should be delimited.

Regardless of the type of electoral system used, county boundaries will need to be reviewed and verified.

Liberia's 1986 Constitution mandates that a national census be conducted every ten years and adds that "the Elections Commission shall reapportion the constituencies in accordance with the new population figures." The delimitation of the electoral boundaries is almost ten years overdue, and that fact, combined with the addition of two counties and the unequal power of the present constituencies, makes an examination of these boundaries a critical aspect of preparations for the 2005 vote, should a majoritarian system be recommended for the legislative elections.

<sup>15</sup> River Gee was created in 2000 and Gbarpolu in 2001.

<sup>16</sup>Comprehensive Peace Agreement, August 2003, Article IXX, Section 3: "In order to create appropriate conditions for elections, a re-demarcation of constituencies shall be carried out in order to take account of newly created Counties."

Following the census in 1984, the Elections Commission recommended the creation of 86 constituencies for the House of Representatives, given the legal basis that each constituency should have approximately equal population of 20,000 citizens. The government, headed by Samuel Doe, allowed the establishment of 64 constituencies instead, explaining that the resources required for an 86-member House of Representatives were beyond the capacity of the country at that time. As of this writing, IFES has been unable to obtain the proposed allocation of the 86 constituencies per county and cannot review that constituency delimitation exercise, but some Liberians have noted that the failure to establish all recommended constituencies was based on political considerations as well.

In reviewing the allocation of the 64 federal constituencies with reference to the 1984 census data, it is clear that there is disparity in the number of citizens per constituency, ranging from an average population of 16,037 per constituency in Sinoe County in the south-east to an average of 75,896 in Margibi County, just outside of Monrovia. In fact, three of the counties in the eastern part of the country—Sinoe, Grand Gedeh and Maryland—have the lowest numbers of average citizens per constituency (with Grand Kru being the one anomaly in the southeast).

**Table 2 : Average Population per Constituency (based on 1984 census)**

	County	Population (1984 Census)	No. of Constituencies (1985 Elections)	Average Population per Constituency
1.	Sinoe	64,147	4	16,037
2.	Grand Gedeh	102,810	6	17,135
3.	Maryland	69,267	4	17,317
4.	Rivercess	37,849	2	18,925
5.	Grand Cape Mount	79,322	4	19,831
6.	Grand Kru	62,791	2	31,396
7.	Grand Bassa	159,648	5	31,930
8.	Bomi	66,420	2	33,210
9.	Nimba	313,050	9	34,783
10.	Lofa	247,641	7	35,377
11.	Bong	255,813	7	36,545
12.	Montserrado	491,078	10	49,108
13.	Margibi	151,792	2	75,896
	<b>Total</b>	<b>2,101,628</b>	<b>64</b>	

## 1. Principles of Boundary Delimitation

In reviewing the seat allocation of 1985, it is clear that some counties were under-represented in Liberia's legislature. Thus, the voting strength of Sinoe County, which has four constituencies for 64,147 people (an average of 16,037 citizens/constituency) is nearly five times greater than that of Margibi County, which has two constituencies for a population of 151,792 (an average of 75,896 citizens/constituency). Electoral districts that vary greatly in population violate a central tenet of democracy, namely, that all voters should be able to cast a vote of equal weight.

Principles of boundary delimitation:

- Equal voting strength;
- Representativeness; and
- Reciprocity.

In addition to equality of voting strength, representativeness and reciprocity are accepted principles of boundary delimitation.<sup>17</sup> Representativeness means that district boundaries should coincide with communities of interest as much as possible so that the communities can be well represented by those they elect. Reciprocity denotes that the procedure for delimiting electoral districts should be clearly spelled out in legislation so that the rules regulating the process are the same, regardless of who is drawing the district boundaries. Given the disparity in population/constituency, and the fact that the population within Liberia's counties is not homogenous, it is certain that these constituencies are not representative. Further, the constituency boundaries themselves are not clear, given the inadequacy of data locating these boundaries.

With regard to reciprocity, or the agreed guidelines for constituency delimitation, the Constitution's direction is limited to population as follows:

"Each constituency shall have an approximately equal population of 20,000 or such number of citizens as the Legislature shall prescribe as keeping with population growth and movements as revealed by a national census." (Article 80d)

While the legal guidelines should note the voting strength of the constituencies, they could also include such criteria as geographic contiguity, the areas and boundaries of chiefdom and other administrative or traditional areas, and fairness for political parties and minority groups. Additionally, the process for boundary delimitation, including the responsibilities of the various actors, should be clearly and fully stipulated.

## 2. Seat Allocation and Boundary Delimitation for the 2005 Legislative Elections

In preparing for the legislative elections in 2005, the total number of seats for the House and the Senate must first be agreed, and then the seats should be assigned to electoral constituencies. As noted above, with the addition of two counties, the county boundaries will need to be clearly documented, and agreement will be needed on the number of senators to be elected from each of the 15 counties.

In determining the number of legislators to be elected, the financial and infrastructure resources should also be considered.

The current Transitional Legislative Assembly, a unicameral body, is composed of 76 members, including the former Government of Liberia (12), LURD (12), MODEL (12), political parties (18), civil society and special interest groups (7), and the counties (15). The previous legislature had 90 members: 26 senators (two from each of the 13 counties) and 64 members of the House of

Representatives. The 1986 Constitution states that "the total number of electoral constituencies in the Republic shall not exceed one hundred." Current data from the United Nations estimates Liberia's population at 2.9 million. With the constitutional provision of one constituency for 20,000 inhabitants, abiding by this allocation would put the number of constituencies at 145. The Legislature does have the Constitutional mandate to change the number of inhabitants prescribed for each constituency. Whatever is decided concerning the number of legislators, the decision-makers will need to determine the desired electoral quota and size of the resulting legislature. The resources—financial and physical—required to support the legislature should also be considered, particularly in a nation that has many demands on its limited resources. These issues are relevant whether the legislative elections are conducted using a majoritarian, proportional, or semi-proportional system.

Should a majoritarian system be used for the House of Representative elections, the boundaries of the single-member constituencies must be reviewed and revised. This could be a costly, time consuming, technically challenging, and politically intricate exercise. Following the allocation of seats to the counties, a redistricting database would be created using population data. In some

<sup>17</sup> Administration and Cost of Elections (ACE) Project, Version 1.0 [online data collection], 1998-2003.

countries, political data is used as well. The results of the 1985 constituency demarcation exercise, which resulted in an original recommendation to establish 86 constituencies, may be reviewed as well. Maps should be collected and boundaries examined. Liberians may decide that fieldwork is necessary to ensure the verification of boundaries and the allocation of population: this could be an expensive component of the exercise. After all of the necessary information has been gathered, the process of assigning geographic units to electoral districts could begin. Each geographic unit—whether a county, city, town or village, or some smaller geographic census unit or voting area—should be assigned to a specific constituency. The plan should then be complete and ready to be evaluated in an inclusive and transparent manner, with Liberia’s key stakeholders. Finally, the enacting legislation should be finalized and approved.

As noted above, the Constitution mandates the delimitation of constituency boundaries following a census to be held every ten years. At this point, conducting a census prior to the 2005 elections does not seem technically feasible. The Ministry of Planning and Economic Affairs is discussing undertaking a geographic mapping exercise, which would be the first step in a census. Before the census fieldwork is undertaken, however, citizens need to be in their home regions, which would necessitate the resettlement of internally displaced persons and the repatriation of refugees. It is common to have IDP and refugee movements within the first six months after post-conflict elections because of renewed confidence in the peace and reconciliation process. Once the fieldwork is conducted, it can take months to compile and analyze the data. Only after that point could the census data be used to facilitate constituency delimitation. It should be noted that censuses are conducted not only for elections but also for a country’s overall development planning.

In the absence of a full national census, if a majoritarian system is chosen for 2005, constituencies can be delimited using the following data:

1. voter registration data; or
2. 1984 census figures supplemented by other data.

Given that a national census may not be feasible prior to the 2005 elections, two options can be considered should constituency delimitation be undertaken: 1) the use of voter registration data, and 2) the use other population data, such as the 1984 census data. This data could assist with seat allocation and delimitation. In order to use voter registration data for constituency delimitation, voter registration will need to be conducted at least four to six months prior to the elections to ensure adequate time for the completion of the exercise. Ideally, citizens should be in their home areas during voter registration. If IDPs are still in camps or in transit, procedures would need to be developed to determine their area of origin / return so that they will be accurately represented in the constituencies. With the second option, data from the 1984 census, the Ministry of Planning, the UN Humanitarian Information Center, and other sources could be considered. With either option, once there is agreement on the use of the data set, the mapping and field exercise to delimit the constituency areas can begin.

### **C. ELECTIONS 2005: NATIONAL OR GENERAL ELECTIONS?**

The Comprehensive Peace Agreement calls for the holding of national elections, defined as presidential and legislative, by October 2005. However, in meetings with the IFES team, many Liberians have recommended the conduct of municipal and chieftaincy elections in 2005 as well. Nationwide elections for these offices have not been held since

Before municipal and chieftaincy elections can be held throughout the country, Liberians need to thoroughly examine the electoral boundaries and the resources required to support local governance, as well as fundamental issues related to the role and responsibilities of local government.

1987.<sup>18</sup> In 1998-1999, the Elections Commission held municipal elections in Lofa, Grand Bassa, Margibi and Nimba counties and chieftaincy elections in Margibi, Grand Bassa and Nimba counties. The Commission was unable to hold the elections in the remaining counties because it did not receive the necessary funding from the Government of Liberia. In the absence of elections, mayors, paramount chiefs, clan chiefs, and town chiefs have been appointed by the Liberian government. Liberian stakeholders have urged the timely return of elected local government to mitigate central control over local affairs and political patronage and to promote democratic local governance.

Before municipal and chieftaincy elections can be held throughout the country, though, Liberians need to carefully examine electoral boundaries, the resources required to support local governance, and fundamental issues related to the role and responsibilities of local government. It was reported that, during the Taylor government, the legislature created additional districts and municipalities, gave some clans the status of chiefdoms and split some clans. It was alleged that the creation of these new areas was particularly excessive in the months immediately prior to the October 2003 peace agreement, as partisan legislators worked to gain political advantage in their home communities. An example of such enthusiastic districting is the legislation that gave Grand Kru County 26 municipalities, and therefore, the right to elect 26 mayors.

Of great concern is the lack of a nationwide accounting of the number and location of paramount, town and clan chiefdoms and municipalities. For electoral purposes, the legislation enacted creating additional areas does not adequately describe the boundaries of new areas in relation to existing boundaries, which themselves are not clearly defined. The UN Humanitarian Information Center (HIC) is currently working with the Ministry of Planning to digitize the 1984 census maps, tie the boundaries to topographical features, and review them for accuracy. However, as of this writing, HIC and the Ministry of Planning do not yet have access to a list of the recently created areas.

Many Liberian stakeholders have also recommended the election of county superintendents, which (per Article 54 of the Constitution) are presently appointed. The President is required to nominate and, with the consent of the Senate, to appoint county superintendents, county officials, and officials of other political sub-divisions. Some Liberians expressed concern that the appointments made by the NTGL were not being reviewed by the legislature. Additionally, there is some confusion about who has been appointed at the country level, and the Ministry of Internal Affairs is working to verify the status of various officials. The appointment of county supervisors by Monrovia promotes centralized governance, which does not respond well to the needs of its citizens at the grassroots level.

Local government elections are long overdue, and most stakeholders with whom IFES met stated that if local government elections were not held in 2005, they would not be held for a while as the new government might not have sufficient political will, or resources, to hold them as international involvement in Liberia diminishes. As history in Liberia has shown, this is a reasonable argument. Given this, and Liberians' desire for elected local government, the conduct of local elections—as well as the expectations of local government and the various posts (elected and appointed)—should be thoroughly addressed in the process of electoral reform. Should the reform process result in a decision not to hold local elections in 2005, then it is recommended that a formal agreement be reached prior to the national elections on the timing and nature of local elections.

---

<sup>18</sup> The terms of office for mayors and chiefs are set at six years.

## **D. PROCESS OF ELECTORAL REFORM**

With Liberia's elections scheduled for October 2005, the process of electoral reform needs to begin now, in order to produce an electoral framework no later than October 2004. In reforming the electoral system in Liberia, three considerations are paramount:

1. The outcome of the reform process needs to be viewed as legitimate by Liberia's stakeholders, with all accepting the "rules of the game." Such acceptance is necessary to ensure the legitimacy of the elected government and will facilitate democratic development and peace-building in the long term.
2. The electoral system should result in institutions of governance and a political environment that will enable Liberians to work collaboratively to meet the nation's many social, economic, and security challenges as well as to facilitate democratic development.
3. The reformed electoral system should be technically sound and should meet international standards and best practices.

A year prior to elections, the October 2004 deadline is critical, as meeting it would allow for timely preparations for the elections, the necessary sensitization, and voter education. The design of the electoral framework will be influenced by important information that Liberian stakeholders will consider about the situation on the ground, particularly the progress of the disarmament and demobilization of the warring parties, the return of refugees, and the resettlement of IDPs. This information will enable the decision makers, drafters, and technicians to more effectively design an electoral process that will facilitate the participation of many Liberians.

### **1. Key Elements of an Electoral Framework**

The electoral framework will serve as the overall regulatory framework for the conduct of the 2005 elections. Given the Constitutional nature of some of the issues to be examined, the framework might be more comprehensive than an elections law. The parties in Accra seemed not to have discounted this possibility given the agreement on the need for the reform of the electoral system as contained in the Comprehensive Peace Agreement.

Whatever the nature of the framework, it must ensure the protection of the rights of all participants in the electoral process as well as the credibility of the electoral process. The electoral framework should address:

1. The electoral system (constituency, number of representatives, electoral formula);
2. Electoral boundaries;
3. The type of elections to be held (national, general);
4. Who may vote and how one becomes a voter (particularly the electoral participation of refugees and IDPs);
5. Who may be elected and how one becomes a candidate;
6. Political party registration and the electoral campaign;
7. Electoral administration (procedures of operations, appointments);
8. Voting procedures;
9. Vote-counting procedures and the announcement of results;
10. Sanctions for specific electoral offences;
11. Consultative mechanisms;
12. Observation of the electoral process and the rights of political party representatives; and
13. Election dispute resolution.

An additional issue, contained in the Constitution of 1986 and raised by many Liberians, is the length of the term of office for the president and the members of the legislature. The Constitution provides for a six-year term for president and nine-year terms for Senators (with half serving six years following the first election), and six-year terms for Representatives. Many have inquired whether the length of the terms of office, especially those of the Senators, might contribute to inertia and political stagnation. These qualities are particularly undesirable since Liberia's next government will need to begin the process of rebuilding and developing the country.

Over the last few years, election officials have taken initiative to address shortcomings in the electoral legislation. In 1998-1999, the Elections Commission developed a set of recommendations for the revision of the 1986 Elections Law and then, in 2002, prepared additional amendments to that legislation, including provisions relating to political party registration. However, these amendments were not enacted. Political and civic leaders have also proposed changes to the electoral legislation. The review of the electoral framework would benefit from these efforts as well as from technical advice and international best practices.

## **2. Methodology for Electoral Reform**

To ensure that the key actors are supportive of the electoral framework, that it meets Liberia's needs, and that it conforms to international standards, the process leading to the electoral framework must be perceived as inclusive and legitimate, while drawing on international best

Liberians will need to be fully engaged throughout all stages of the reform process given the complexity and broad scope of the issues to be examined and resolved.

practices and principles. As such, it is recommended that National Elections Commission, with the support of the international community, convene an electoral reform process which will provide fora for political and civic

actors to express their views and consider the various major issues. The international community can also provide technical advice and other necessary assistance to the reform process. International advisors could assist with the legal drafting of the electoral framework and could provide much-needed assistance on the topics of electoral systems, boundary delimitation, and refugee/IDP participation.

Liberians will need to be fully engaged throughout all stages of the reform process given the complexity and broad scope of the issues to be examined and resolved as well as the impact that the reform process will have not only on the conduct of the elections but also on the nature of the elected government. Members of Liberia's political parties, civil society organizations, government and Transitional Legislative Assembly, opinion leaders, and others should participate by sharing their opinions and helping to develop solutions to the many challenges that will need to be addressed.

To inaugurate the reform process, it is recommended that the NEC, with the support of the international community, convene an Electoral Consultative Conference (ECC) in Monrovia by mid-June 2004. The ECC would meet for several days to identify and discuss the issues to be included in the electoral framework and would finalize the timeline for the reform process. The ECC would bring together Liberia's major stakeholders, and the conference would include presentations on the technical aspects of electoral reform in order to provide participants in the consultative process some basic background on these issues.

Following the ECC, the National Elections Commission, supported by technical advisors, would draft the electoral framework, consulting as necessary with Liberia's political and civic actors. To assist in the drafting process, it is recommended that two technical working committees be established as follows:

Technical Working Committees	Proposed Members
Boundary Delimitation	NEC, International Experts, UN HIC, Ministry of Planning and Economic Affairs, Ministry of Internal Affairs, others as necessary
Refugee / IDP Participation	NEC, International Experts, UNHCR, WFP, OCHA, LRRRC, the Ministry of Health, Ministry of Internal Affairs, Ministry of Foreign Affairs, others as necessary

The Technical Working Committee on Boundary Delimitation would convene those actors in Monrovia who have access to population and boundary data, as well as, in the case of the Ministry of Internal Affairs, the local offices to be elected. The Technical Working Committee on Refugee/IDP Participation would enable the NEC to make informed decisions about how to best to promote the electoral participation of Liberians.

As noted earlier, the electoral framework should be completed and endorsed no later than October 2004. To facilitate a start date of the reform process that is no later than mid-June, the international community should support the provision of necessary technical assistance beginning in May 2004.

The timely endorsement of the electoral framework will enable the preparations for the 2005 elections to begin in earnest, with priority activities being:

- Massive and widespread civic / voter education campaign on the electoral framework;
- Establishment of Political Party Consultative Committee and Civic Consultative Committee;
- Development of election guidelines and Codes of Conduct; and
- Preparation for voter registration.

All these activities should be launched in October 2004.

### **3. Political Party Consultative Committee / Civic Consultative Committee**

An immediate outcome of the consultative process should be the establishment, by the NEC, of permanent consultative bodies to promote the transparency of elections administration, to prevent misunderstandings and conflict between and among stakeholders, to disseminate information, and to encourage support of the electoral process by Liberia's political and civic leaders. It is recommended that the NEC establish a Political Party Consultative Committee that includes all registered political parties as well as a Civic Consultative Committee that includes civil society organizations. Both would be convened regularly throughout the electoral process. Not only could these Committees encourage mutual support and a stronger electoral process, but they could also serve as fora in which the NEC can work with political and civic leaders to finalize regulations and guidelines as well as Codes of Conduct for Political Parties and Domestic Observation. The Civic Consultative Committee would also promote coordination on voter education initiatives.

The Committees should meet not only in Monrovia but should also be convened by NEC at the county level. The county-level committees are particularly important to support often weak intra-party communications. The county-level Consultative Committees could also provide a forum for training political party and candidate observers and domestic observers of the electoral process.



## V. INTERNATIONAL ASSISTANCE

The objectives of international technical cooperation and assistance in the Liberian electoral process should be:

- To support the broader peace-building process of the Comprehensive Peace Agreement;
- To ensure the conduct of efficient, transparent, legitimate, and representative elections that are accepted by all Liberians; and
- To build Liberia's long-term capacity for election administration.

In order to achieve these goals, there must be timely, coordinated, and robust international assistance provided at all stages of the process. The Comprehensive Peace Agreement recognizes such a role in its stipulation that the international community shall "jointly conduct, monitor and supervise the elections." With regard to the electoral process, the international community can also ensure the creation of a level political playing field as well as informed participation by Liberia's citizens.

While the CPA provides the framework for international assistance to the electoral process, it also gives the NEC the responsibility to organize the elections.<sup>19</sup> Within these parameters, international assistance can be provided in such a way as to build the NEC's technical capacity to administer elections while also supporting the supervision and conduct of the elections to enhance the confidence of Liberians in a legitimate electoral process. International assistance can, therefore, be targeted toward four areas:

1. Administration of the elections: To ensure the efficient and credible administration of the elections through technical assistance and other support at the policy-making and operational levels of the NEC;
2. Electoral reform: To support an inclusive consultative process and the formulation of an electoral framework that meets Liberia's needs and conforms to international standards;
3. Resolution of electoral disputes throughout the electoral process: To enable the timely arbitration and resolution of electoral disputes through the establishment of an Election Dispute Tribunal; and
4. Electoral participation: To promote a competitive playing field for political parties as well as informed participation in the electoral process by Liberia's citizens.

International assistance should be well timed and initiatives should be well coordinated in order to avoid duplication of effort and maximize impact, particularly as these four areas are integral components of the electoral process.

The establishment of an Implementation Monitoring Committee – Elections (IMCE), a sub-committee of the Implementation Monitoring Committee (IMC), would provide general support to the process. According to the CPA, ECOWAS, the African Union, United Nations, European Union and the International Contact Group on Liberia (ICGL) are to establish an IMC in Monrovia to "ensure effective and faithful implementation of the Peace Agreement by all the Parties."<sup>20</sup> The IMCE could be composed of some or all of the representatives of the IMC, and it should meet frequently to assess the status of the conduct of the electoral process, providing support where necessary. In working with the NEC, the IMCE could facilitate a coordinated international

---

<sup>19</sup> Comprehensive Peace Agreement, Article XIX: "4a. The Parties agree that the Transitional Government provided for in this Agreement shall request the United Nations, the African Union, ECOWAS and other members of the International Community as appropriate, to jointly conduct, monitor, and supervise the next elections in the country. 4b. Voters education and registration programs shall be organized by the newly reconstituted NEC, in collaboration with other national and International organisations under the supervision of the United Nations."

CPA, Article XVIII, Section 2: The NEC shall "...ensure that the elections are organized in a manner acceptable to all."

<sup>20</sup>Comprehensive Peace Agreement, Article XXIX, Section 2.

approach to the provision of assistance to the electoral process, be it technical, financial, or political.

The IMCE could also be responsible for communication with the RFTF<sup>21</sup> Implementation and Monitoring Committee (RIMCO). RIMCO is to provide general policy guidelines on RFTF implementation and is to coordinate, monitor, evaluate, and report on the progress of the implementation of the RFTF.

## **A. ELECTORAL ADMINISTRATION**

International assistance to the NEC—which provides the administrative infrastructure for the conduct of the elections—could be provided as follows:

1. Technical assistance;
2. Training to promote technical expertise;
3. Financial and material contributions to the elections budget; and
4. Support to NEC's logistical operations.

Technical assistance and training should begin in May 2004, and it is recommended that UNMIL provide logistical support to the NEC to enable the Commission to assess its county offices and engage in public outreach, also beginning in May.

### **1. Technical Assistance**

The goals of international assistance to the policy-making and operational levels of the NEC should be to: 1) support the effective management of the electoral process; 2) promote public confidence with regard to the independence, impartiality, and technical capacity of the Commission; and 3) ensure that the administration of the process is technically sound and meets international standards. At the policy-making level, technical assistance could include the provision of a Chief Electoral Advisor and/or International Electoral Commissioners. At the operational level, technical advisors could provide relevant electoral or administrative expertise at NEC headquarters and at its election magistrate offices at the county level.

#### **1.1. Policy Making Advice**

The provision of a Chief Electoral Advisor (CEA) to the Commission could provide support and guidance to the NEC on the development of policy, procedures, and the overall management of the electoral process. The CEA should be an experienced election administrator/expert who should have the confidence of the NEC as well as of the international community. He/she could also coordinate the provision of technical assistance made available to support NEC's operations. The CEA model has been used to provide targeted technical assistance to many election management bodies around the world, such as in Mozambique in 1994.

A further option for support to NEC's management of the electoral process is the inclusion of International Members on the NEC. This option could demonstrate, in a highly visible way, international involvement in the electoral process. The international Commissioners could be supplied by some of all of the IMCE representatives and their links to these actors could be used to access support for the electoral process at critical times. This model is similar to that used in 1997 when three international representatives (of the UN, OAU and ECOWAS) were on the Independent Elections Commission (IECOM) and assisted

---

<sup>21</sup> Results-Focused Transition Framework (RFTF): Developed jointly by the NTGL, the World Bank, the UN system and other national and international stakeholders in early 2004—indicates a number of priority outcomes to be pursued during the transition period and the results that are expected as the transition evolves.

in the conduct of the 1997 Special Elections. It should be noted that, in 1997, not all the Commissioners had substantive electoral experience, often making it difficult to provide coordinated technical advice to the IECOM.

## 1.2 Operational Assistance

Technical advisors could be provided on a long-term basis and could serve throughout the electoral period, with additional, short-term advisors made available when needed to address specific technical issues. As noted above, the Chief Electoral Advisor could coordinate the assistance of the technical advisors. It is recommended that a Senior Electoral Operations Advisor be provided to ensure the implementation of the operational plan, assist the NEC in coordinating the many ongoing activities and ensure consistency of operations throughout the country. Additionally, county-based Operations Advisors could partner with the election magistrates to assist in the implementation of policy directives on the ground. Also at headquarters could be other long-term technical advisors to assist with specific aspects of the electoral process. As possible, technical advisors should partner with NEC's permanent staff at headquarters to promote capacity building and to provide the NEC with technical elections expertise.

### Long-Term Advisors:

- Electoral Operations
- Voter Registration
- Legal
- Voter Education
- Training
- Logistics
- Finance / Accounting
- Operations – County-Level

### Short-Term Advisors:

- Election Management/Org. Development
- Electoral System
- Boundary Delimitation
- Refugee / IDP Participation

Key short-term advisors should begin work with the NEC no later than late May 2004 by providing advice on issues related to electoral reform. To enhance the efficiency of NEC's operations, the Election Management / Organizational Development Advisor should assist in implementing the recommended management review and organizational restructuring. It is recommended that this advisor begin work as soon as possible.

## 2. Training

Training for the NEC and its staff is strongly recommended and should be undertaken as part of a comprehensive plan of professional development. Training is suggested as follows:

- NEC and all staff: general orientation and overview of election administration;
- Commissioners and Executive Director: election management training;
- Senior staff, magistrates, and assistant magistrates: election administration training; and
- Administrative and support staff: Training targeted to their responsibilities (e.g. accounting, record maintenances, etc).

The international advisors can work with the NEC to design and deliver the training curricula. Priority should be given to the conduct of election management training for the NEC Commissioners and Executive Director. This should be held by June 2004, before the process of electoral reform gets underway.

In addition to on-site training, opportunities for internships and secondments to other election management bodies should be explored. Such practical experiences in election administration have proven invaluable for the Commissioners as well as for the senior staff, particularly the election magistrates. This would go beyond observation of another country's electoral process

and would instead involve pairing with other election authorities as they go about their work. Within the sub-region, it should be noted that Ghana is having national elections in December 2004, which could present an opportunity for practical learning for the NEC.

### **3. Elections Budget**

The design of the electoral framework will determine the final elections budget, but it is clear that the support of the international community will be required to fund the conduct of the elections, given the NTGL's scarce resources. For planning purposes, a tentative figure of \$16 million for an elections and operational budget for the period of July 2004 – January 2006 could be used, but this figure would not include local elections, a costly constituency delimitation exercise, out-of-country refugee registration/voting, and all necessary logistical support. The budget includes operational costs for the NEC, such as the rehabilitation of offices and the provision of equipment. International technical assistance is not included in this budget, as it would be determined separately by the organizations providing the technical advisors. It is stressed that this budget figure is tentative and should be used for preliminary planning purposes only. It could increase or decrease by several million US dollars depending on the electoral framework, the election timeline, and further budget review.

The NTGL is expected to provide some budgetary support for personnel expenditures (including that needed for permanent NEC staff) as well as some support for operational costs, particularly for recurrent expenditures (office rent, generator fuel, etc). However, it is anticipated that most of the funding for the temporary voter registration and election staff will need to be provided by the international community.

The provision of equipment and materials for the NEC's operations is immediately required (particularly for its headquarters and for the rehabilitation of its election magistrate offices), and funding for voter and civic education activities should also be a priority.

### **4. Logistical Support**

Given the destruction and decay that Liberia has endured during the last 14 years, there is no government infrastructure that could assist NEC in the two most complex and resource-intensive electoral operations, namely voter registration and voter operations. Therefore, the significant assistance of the international community is needed in order to implement these two operations successfully. A thorough study of NEC's needs is required to allow the NEC, NTGL, UNMIL and other members of the international community enough time to plan for and provide the necessary support.

## **B. ELECTORAL REFORM AND ELECTORAL FRAMEWORK**

To set the agenda and the timeline for the electoral reform process, it is recommended that the NEC, in partnership with the international community, convene an Electoral Consultative Conference (ECC) by mid-June 2004. The ECC would bring together Liberia's major stakeholders and the signatories to the CPA, and the conference would include presentations by international experts on the technical aspects of electoral reform (such as electoral systems, boundary delimitation and refugee/IDP participation) to provide basic background on these issues to the participants in the consultative process and to focus the reform agenda. Following the ECC, the National Elections Commission, with technical support, should draft the electoral framework, consulting as necessary with Liberia's political and civic actors throughout the process. The resulting framework would govern the electoral process, and it should be accepted and seen as legitimate by Liberia's key stakeholders.

The support of the United Nations, ICGL, ECOWAS, EU, the African Union and other international actors can promote the legitimacy of the reform process. Also, the international community can

provide technical advice to the NEC to assist in the formulation of an electoral framework that conforms to international standards and best meets Liberia's needs.

### **C. ELECTION DISPUTE TRIBUNAL**

International assistance to the NEC at the policy-making level can provide support to the NEC throughout the electoral process, and particularly as it engages in consultations with political parties and civic leaders. The establishment of a Political Party Consultative Committee and a Civic Consultative Committee by the NEC will facilitate periodic consultations between the NEC and these actors on issues such as the formulation of guidelines, regulations and Codes of Conduct and will provide fora for the dissemination of information, for building public confidence, and for transparency that will serve to prevent conflict.

The present elections law, the New Elections Law of 1986, mandates a dispute resolution process that focuses on complaints arising at the conclusion of the electoral process related to the acceptance of results. Section 6.1 of the 1986 Law stipulates that "Any political party or candidate who has justifiable reasons to believe that the elections were not impartially conducted...which resulted in his defeat or the defeat of a candidate" may submit a complaint to the Elections Commission that must be filed "not later than seven days after the announcement of the results of the elections." A decision of the Commission can then be appealed to the Supreme Court, but there is no time limit before which the Supreme Court must return a decision.

In determining the electoral framework, it is recommended that consideration be given to establishing an Election Dispute Tribunal (EDT) that can decide upon disputes during the electoral process. The timely resolution of such disputes, and the disposition of any complaints, will promote public confidence in the electoral process. By providing a means to resolve disputes that emerge prior to the conclusion of the process, it will also decrease the likelihood of post-election complaints, which, no matter how spurious, can damage an otherwise credible and accepted process and threaten post-election stability.

The Election Dispute Tribunal could address disputes that the NEC cannot resolve or is a party thereto. The EDT could rule in binding judgment upon any party to the electoral process. It is suggested that it be composed of members of the Liberian Supreme Court as well as international judges and that it have jurisdiction over the following types of complaints, among others:

- Challenges and appeals to the voters list;
- Complaints over the campaign process;
- Complaints about rights to candidacy or party registration;
- Complaints about polling and counting; and
- Other issues as mandated or allowed by law.

The establishment of the EDT will enable the timely resolution of electoral disputes, which, if they get bogged down in a lengthy court process, can undermine the integrity of the elections and the confidence of the parties in the electoral process.

It is recommended that the EDT be established no later than December 2004, so that it is in place well before any major electoral event.

### **D. ELECTORAL PARTICIPATION**

The provision of targeted international assistance is recommended to promote the full electoral participation of Liberia's citizens—as voters and as candidates. Over the past two decades, Liberians have had to cope with the failed promises of politicians and the disappointment of

elections that do not result in a lasting peace. Under such circumstance, it is normal that a certain degree of apathy would have set in. Consequently, international assistance will make a critical difference in promoting civic education activities. Such activities will need to start immediately given the opportunity that the DDDR process offers. Another valuable advantage of immediately starting civic education is that it would serve as a platform upon which subsequent voter education could be built. Taking into consideration the level of literacy in Liberia, a robust voter education program will be required to avoid a high rate of invalid ballots. A massive voter education program will not only ensure that the votes of Liberians count, it will lend greater legitimacy to the process and to the winners of the elections.

Care should be taken to promote a level and competitive playing field for political parties and candidates. Citizens should be educated about their rights and responsibilities. The resource constraints and weak organizational structures of over two-thirds of the political parties would make fair competition unattainable. In other post-conflict environments, the international community has created Trust Funds for financing some of the campaigning efforts of political parties. In circumstances in which international resources are limited, across-the-board training has been provided for political parties in the essential areas of organizational development, membership recruitment grassroots mobilization, message development, campaigning, poll agent, etc.

Moreover, assistance is needed for long-term monitoring of the electoral process by Liberian organizations as well as the international community in order to promote the transparency of the process and to ensure that problems are quickly brought to the attention of the election authorities for resolution. Finally, international and domestic teams should be deployed throughout the country to observe the major election events—particularly voter registration and election day—to ensure the proper conduct of the electoral process.

Priorities for international assistance are:

- Massive civic and voter education outreach, educating the electorate about citizen rights and responsibilities as well as the electoral process, the procedures, and timeline. A particular effort should be made to target women, youth, citizens with disabilities, refugees, IDPs, and ex-combatants. Programming should be in local languages and should take into account the high rate of illiteracy. Voter education should be incorporated in all ongoing and planned civic education activities, such as adult literacy programs, primary and secondary education, vocational training, DDDR and resettlement programs, community fora, and development activities, among others.
- Training of the electronic media—particularly for community radio stations but also for Monrovia-based stations and the press—to promote professional development and objective reporting. Short and subject-focused training can also be provided on electoral procedures and processes.
- Funding to buy airtime on radio and television stations to enable the broadcast of voter education messages and to ensure equal access to the media for political parties and candidates. Support should also be provided for the production of voter education programs and programming such candidate debates, political party/candidate roundtables, issue-focused discussions, and call-in shows.
- Support to enable political parties and candidates to campaign in safety and without restriction. Community-level debates, town hall meetings and other types of programs can be sponsored to enable voters to be educated about the choices that are available to them.
- Training and other support to political parties and candidates to assist in the formulation of platforms and policy programs and also to promote the development of responsible and credible parties.

- Training and funding of long-term domestic monitoring and short-term observation efforts, as well as support for international monitoring and observation. It is particularly important that the monitoring effort begins no later than the October 2004, when the electoral framework should be in place to support the implementation of the framework. Monitoring should focus on the effectiveness of voter education, access to the media, political party registration, voter registration, political party conventions, candidate nomination, election day, tabulation and announcement of election results, and the electoral dispute resolution process.
- Support for the deployment of peace monitors and the establishment of community-based conflict resolution mechanisms to prevent and resolve electoral conflict.

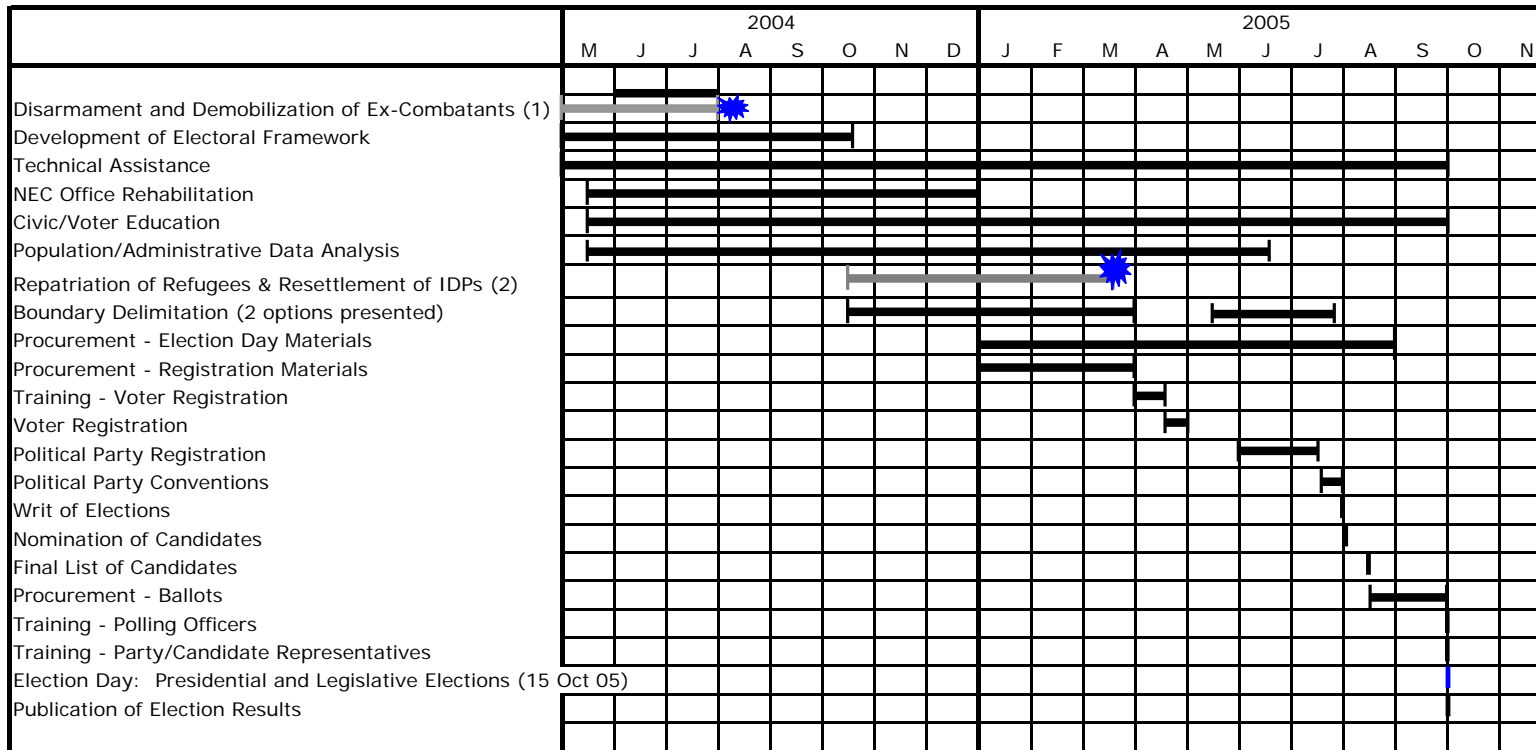
Past experience and lessons learned from international assistance have proved that the support of electoral participation is essential to safeguard a credible, acceptable, and transparent electoral process. Such support is a visible demonstration to the citizens that the international community is equally invested in a successful process. However, in situations where the assistance came "too little, too late," its impact is diminished. It is, therefore, suggested that an implementation of some of the above recommendations begin immediately.

# **APPENDIX**



Draft Election Timeline -- for illustrative purposes only

Draft: May 2004



Notes:

- 1) The disarmament and demobilization of ex-combatants is scheduled to be completed by Jul 04.
- 2) The repatriation of refugees and the resettlement of IDPs is scheduled to begin on a massive scale in Oct 04, once the country has been declared safe and :