



EISA Observer Mission to the Liberia Presidential Run-Off Election 8 November 2011

Preliminary Statement

At the invitation of the National Elections Commission of Liberia (NEC), the Electoral Institute for Sustainable Democracy in Africa (EISA) deployed an Observer Mission for the 2011 Liberia Presidential Run-Off Election that was held on 8 November 2011.

The EISA Mission is led by Justice Irene C. Mambilima, Chairperson of the Electoral Commission of Zambia. It is composed of fifteen (15) observers drawn from Civil Society Organisations and Election Management Bodies from Kenya, Mozambique, Nigeria, Sierra Leone, South Africa, Republic of South Sudan, Uganda and Zambia.

EISA coordinated its observation and deployment in partnership with The Carter Center (TCC) through the TCC-EISA Integrated Election Observer Mission. Both organizations adopted the same observation methodology and jointly deployed observers in the fifteen counties of Liberia.

The EISA Mission has made its assessment of the 2011 Liberian electoral process, and its preliminary findings and recommendations are presented in this Preliminary Statement. Our observations and views are based on EISA's Principles for Election Management, Monitoring and Observation (PEMMO), the AU Declaration on the Principles Governing Democratic Elections in Africa and the Declaration of Principles on International Election Observation.

As the tally and announcement of results is still in progress, our conclusion on the conduct of these elections is restricted to the period of our observation up to this day, 10 November 2011.

This run-off election took place on 8 November 2011 as mandated by the Constitution and the Elections Law of Liberia following the results of the first round that produced no winner with an absolute majority. The Mission is of the opinion that the few irregularities observed in the tallying of results of the first round did not impact on the general outcome

or the final results, and therefore, the Mission finds that the results of the first round were the product of a transparent and credible process and reflect the will of the people of Liberia.

The run-off election was contested between the two candidates with the highest number of votes in the first round, namely President Ellen Johnson-Sirleaf of the Unity Party (UP) and Mr. Winston Tubman of the Congress for Democratic Change (CDC).

On the basis of its observation and using the guidelines enshrined in the PEMMO, the AU Declaration and the Declaration of Principles on International Election Observation, the EISA Election Observer Mission preliminarily concludes that the result of the presidential run-off election reflects the will of those Liberian citizens, who went to the polls to elect their President.

The voting and counting process was conducted with integrity and professionalism in accordance with the laws of Liberia in most polling places observed by the Mission and. A few isolated irregularities were noted, such as inconsistency in the inking of voters and the early beginning of the counting in some polling places in Monrovia.

The Mission observed that most polling places opened on time, and polling materials were available in sufficient quantities. The Mission observers did not witness any acts of intimidation or coercion during election day, and noted that law enforcement agencies were present in all polling precincts, and they did not interfere or negatively influence the conduct of the election. The secrecy and integrity of the vote were generally ensured, and several domestic and international observers were present in most of the polling precincts. The Mission noted with satisfaction that women were equitably represented as polling officials.

The ongoing tally process in the different magisterial offices has so far followed all the procedures prescribed by law, with very minor deviations.

The Mission notes the low turnout and regrets that the opportunity for thousands of Liberians to participate in the choice of their President in a free and informed manner was constrained by a number of factors; including CDC's call for a boycott, the lack of a real choice between candidates as a result of this boycott, and the incidents of violence in Monrovia on the eve of the poll.

The Mission noted with regret the decision by the CDC to abstain from campaigning and to call on its supporters to boycott the vote. The CDC's decisions were based on its argument that the first round was deeply flawed and therefore a number of measures should be taken before the run-off could take place. Among those, the CDC demanded the resignation of the Chairperson of the NEC, the inclusion of party representatives in the NEC, the extension of monitoring rights to international observers, the use of separate ballot boxes for each candidate, and the connection of the NEC's information system to the headquarters of political parties. Later, the CDC added demands for the replacement of the entire NEC and the postponement of the election.

In the Mission's opinion, most of these demands would be better addressed through a future legal reform process, rather than in the middle of the electoral process, as they would require substantive changes to the current legal framework for elections.

The Mission was also informed of the efforts undertaken by the NEC to accommodate requests by the CDC to allow the party enough time to submit evidence related to its complaints about election irregularities. According to the NEC, the CDC failed to submit the required evidence and instead focused its efforts on calling for the postponement of the run-off without offering any plausible arguments as to how such postponement would address its stated grievances.

The Mission acknowledges that the timelines legally established for complaints and appeals related to the first round, which may take as long as 58 days, potentially conflicts with the legally mandated timeline for holding the run-off election. It therefore recommends that these timelines be harmonised through legal reform in order to ensure that all issues related to the first round are resolved and adjudicated before a run-off.

While the Mission acknowledges that parties and candidates have the right not to campaign and to appeal for a boycott; it also recognizes that Liberian voters have the right and should have the opportunity to express their choice free of coercion and with widest range of electoral choices legally possible.

The Mission is of the opinion that competing through ideas and providing the Liberian voters with a real choice between different political options at the polls is a more constructive and desirable contribution to the consolidation of democracy and the building of a civic culture in Liberia than to call for people to abstain from participating in the choosing of their leaders.

The Mission noted with concern the CDC decision to hold an electoral public demonstration on a day that was prescribed to be campaign free, under the applicable code of conduct and in the midst of a politically tense atmosphere. Furthermore, it also noted with concern what appears to have been the use of disproportionate force by the Liberian National Police in the handling of the demonstration. The Mission regrets the loss of innocent lives during those incidents, and calls for a thorough investigation of matter.

The Mission notes that in the interest of democratic consolidation in Liberia the respect for fundamental freedoms must be strengthened, at the same time that the enjoyment of fundamental rights must be accompanied by strong ethical principles and the repudiation of hate and inflammatory speech. A free media is indispensable to achieving this goal.

The political dynamics of the 2011 electoral process highlighted the fact that Liberia still faces serious challenges to democracy building and national reconciliation. The Mission calls upon the Liberian leadership and politicians and the Liberian people in general to take bold steps towards a genuine national dialogue about the country's future and the construction of a united Liberian nation.

EISA will produce a final, more comprehensive report on the entire election process within three months. The final report will provide an in-depth analysis, detailed observations and recommendations. EISA will therefore continue to follow the process to completion, including the announcement of the final run-off results. The findings and recommendations presented by EISA in its preliminary statement after the first round still remain valid for future electoral processes in Liberia.

On behalf of the EISA Election Observer Mission, we take this opportunity to extend our gratitude to the people of Liberia for the warm welcome and hospitality given to us. We also congratulate the people of Liberia for their courage and determination to participate in the electoral process despite all its challenges. We acknowledge and appreciate the hospitable, courteous and friendly manner in which the leadership and staff of the National Elections Commission of Liberia received our Mission.

Thank You.

Justice Irene C. Mambilima
EISA EOM Mission Leader
10 November 2011