



**AU ELECTION OBSERVATION MISSION TO THE
10 OCTOBER 2023 GENERAL ELECTIONS IN LIBERIA**

PRELIMINARY STATEMENT

MONROVIA, 12 OCTOBER 2023

A. INTRODUCTION

At the invitation by the Government of Liberia to observe the 10 October 2023 general elections, the Chairperson of the African Union Commission (AUC), **His Excellency Moussa Faki Mahamat**, approved the deployment of a short-term African Union Election Observation Mission (AUEOM) to assess and report on the conduct of these elections. Acting on his Excellency's approval, the AUEOM was deployed from 1-15 October 2023. The Mission comprised 60 observers from 26 countries¹ across Africa and included 28 males and 32 females.

The AUEOM is led by Former Deputy-President of the Republic of South Africa and Member of the AU Panel of the Wise, H.E Dr. Phumzile Gloria Mlambo-Ngcuka and was supported by Ambassador Bankole Adeoye, the AU Commissioner for Political Affairs, Peace and Security. The Short-Term Observers (STOs) were drawn from Ambassadors accredited to the African Union, officials of Election Management Bodies, members of the Pan African Parliament, representatives of the AU Panel of the Wise, members of African Civil Society Organisations (CSOs), African election experts, Human Rights specialists, gender and media experts, and representatives of youth organisations.

Ahead of the AUEOM in October, ECOWAS-AU deployed a joint technical Pre-election Assessment Mission (PAM) from 24-28 July 2023. The PAM engaged with key stakeholders including the NEC, government and security agencies, political parties, women and youth groups and representatives of CSOs. The PAM assessed the state of preparedness by the NEC and other institutions involved in the elections and the conditions under which the elections will be held.

The findings of the pre-election assessment guided the AU's technical assistance to the NEC, and the Federation of Liberia Youth (FLY), the deployment of AUEOM, and the several stakeholder engagements.

The objectives of the AUEOM were two-fold: first, to assess the technical compliance of the 2023 electoral process in line with international obligations and standards for democratic elections and the AU principles and normative frameworks such as the African Charter on Democracy, Elections and Governance (ACDEG), as well as Liberia's national legal framework. Second, to ascertain that the environment was conducive for the conduct of peaceful and credible elections.

The Mission held an orientation for its observers from 3 to 5 October during which it received briefing on the electoral process from several stakeholders in Liberia and training on AU election observation methodology before deploying them in nine out

¹ Benin, Botswana, Central African Republic, Cape Verde, Cameroon, Chad, Côte d'Ivoire, Democratic Republic of Congo, Ethiopia, Eritrea, Equatorial Guinea, Ghana, Guinea Bissau, Kenya, Malawi, Mozambique, Nigeria, Rwanda, Sao Tome & Principe, Seychelles, Sierra Leone, South Africa, South Sudan, Togo, Zambia and Zimbabwe

of the 15 counties in Liberia. The leadership of the mission also held consultations with several stakeholders including; the NEC, Citizen Observer Groups, Ministry of Justice and Security Agencies, CSOs, the international community, some of the contesting political parties and candidates, other International Election Observation Missions (IEOMs) and visited the various Election Situation Rooms.

This statement represents the Mission’s preliminary findings and assessment of the conduct of the 10 October 2023 General Elections. It is issued while tallying and announcement of provisional election results are still ongoing. Therefore, this is not the final assessment of the electoral process. The Mission will continue to observe the immediate post-election environment, including the results management process and resolution of electoral disputes that may arise, and may issue another statement on the pending operations. The AUEOM will issue a final report which will provide its comprehensive findings and recommendations for improvement of future elections in Liberia, within two months after the conclusion of the electoral process.

A. PRELIMINARY FINDINGS

(i) Political Context of the Elections

The 10 October 2023 elections were characterized by socio-political tensions around inflammatory and inciteful language by political actors, using the polarised media landscape for propaganda, disinformation and misinformation. In spite of the heightened political atmosphere, the political environment was generally peaceful, with minimal violence during the campaign period.

The AUEOM applauds political parties for their adherence to the Revised Farmington River Declaration which committed them to peaceful election campaigns. The Declaration served as a check on their behaviour and helped reduce the tension in the elections. However, the Mission is concerned by reports of youth for militancy, especially during campaigns and rallies, and the clashes that occurred, notably the one between the Coalition for Democratic Change (CDC) and the Unity Party (UP) supporters in Foya, Lofa County that led to two deaths.

(ii) Legal Framework

In addition to the 1986 Constitution and the New Elections Law (1986), Liberia has an array of laws that regulate its elections.

In line with the provisions of Article 89 of the Constitution and Section 2:9 of the New Elections Law, the NEC adopted and issued 2023 General Elections Regulations which set the qualification guidelines for registering voters, and also the technology to be used for the voter registration exercise. The AUEOM commends the NEC for the promulgation of regulations that allowed them to implement the Biometric Voter Registration (BVR) technology.

To strengthen the legal framework of elections in Liberia, the Mission also noted the promulgation of other regulatory frameworks such as the Campaign Financing Regulation (2022), the General Elections Nominations and Registration Procedures (2023), and the Campaign Guidelines (2023) issued by the NEC to regulate the respective aspects of the elections.

Further, the AUEOM noted the proposed amendments to the New Elections Act which among other things, sought to make the 30 percent gender representation mandatory, empower the NEC to fine or delist political parties that fail to adhere to the gender quota, give Diaspora Liberians voting rights, among other progressive reforms.

(iii) Electoral System

Liberia uses the First-Past-The-Post (FPTP) electoral system for all elective positions, and a majoritarian, two-round system for the Presidential election. For a Presidential candidate to be declared winner in the first round, he or she must obtain an absolute majority of valid votes cast that is 50 percent plus one vote. If no candidate attains this threshold, a runoff would be held on the second Tuesday after the declaration of the final results. The President and members of the Legislature have a term of six years each while the senate is nine years all renewable once.

Further, the Mission observed a slight decrease in the number of women candidates in the 2023 elections, as compared to 2017. Given Liberia's historical imbalances and a plethora of barriers that hinder women and marginalised groups' participation in elections, the Mission calls upon the Legislature to find ways of enforcing existing policies on women's quota, ensuring that under-representation of marginalised groups including people with disability and the youth is addressed.

(iv) Election Management

For the 2023 General Elections, the Mission was informed that Liberia was solely managing the entire elections with minimal external funding and technical assistance. The AUEOM commends the government of Liberia for funding the entire elections in spite of resource constraints.

Elections in Liberia take place in October which is usually in the raining season and this presents a great challenge for NEC in the deployment of election materials and personnel. The AUEOM commends the NEC for the advance deployment of materials to some counties which were difficult to reach. However, the issues of security and storage of the materials remained a concern though no major incidents were observed or reported to the Mission that may have compromised the integrity of the elections.

The Mission's interactions with key electoral stakeholders revealed concerns and challenges related to public and stakeholder trust and confidence in the NEC. The NEC was not proactive in its communication and engagement with the public, and key electoral stakeholders.

(v) Biometric Voter Registration

In response to challenges encountered in the previous elections, and noted by the AUEOM in the 2017 General Elections, such as duplicate names, under aged registrants, and lack of accuracy of the figures due to multiple registration, the NEC adopted the Biometric Voter Registration (BVR) system to compile the voters roll for the 2023 elections.

The BVR system, which used the Automated Fingerprint Identification System (AFIS) and facial photographs, was able to remove 27,192 duplicates from 3,634 persons. A total of 95 under aged registrants were also removed. The Mission commends the NEC for the adoption of the BVR system and for the increase of the voter population by 13.19 percent in the overall registration figure as compared to the 2017 elections in which 2,183,683 total voters were registered.

(vi) Campaigns

For proper regulation of the campaign environment, 25 political parties signed the Revised Farmington River Declaration on 4 April 2023 to commit to peaceful elections, and resort to legal means to address concerns that may arise during the elections.

In spite of the existence of this commitment and regulatory frameworks, there were still some inflammatory statements, violence, and propaganda during the political process. The political parties were accused of mobilisation and use of the youth for militancy, and 'cash violence' was prevalent during the elections.

The Mission urges the parties to continue to abide by the commitments they have made in the Revised Farmington River Declaration in the post-election period and beyond.

(vii) Inclusion in Electoral Processes

The Liberia Constitution provides for equal opportunity for all citizens including males and females. To support the effort to achieve gender quota for inclusive democratic governance, the political parties, alliances and candidates and the NEC signed a Memorandum of Understanding (MoU) on 11 May 2023 to signal their commitment to nominate at least 30 percent female candidates of the total candidates they will

present for the elections. However, the quota was not met as women candidates constituted only 15 percent of the total aspirants.

The Mission noted encouraging efforts made by youth groups to mobilise their peers to participate in the elections, including committing political youth leaders to sign a Peace Accord, and the mobilisation of hundreds of thousands of first-time voters to register during the 2023 BVR.

The Mission noted positive steps made by the NEC and key electoral stakeholders to ensure that Persons with Disabilities (PWDs) participate fully in the elections. For example, the use of the tactile ballots for the visually impaired and priority voting for PWDs.

(viii) The Media Environment

In spite of the favourable legal environment for media operations, the Mission noted a number of challenges that affect progressive media practice in Liberia which include; lack of financial and human resources, unprofessionalism, and failure to regulate ethical standards. With the challenging media landscape, politicians have taken advantage of the media space and either established their own media houses or influenced their news agenda. The Mission noted a heightened political propaganda, disinformation and misinformation scattered around the media space.

(ix) Security

The 2023 elections were the first to be held solely by Liberian security agencies following the United Nations Mission in Liberia's (UNMIL) withdrawal in 2018.

The majority of stakeholders the Mission interacted with noted a significant reduction in violence in the 2023 General Elections compared to the previous ones. This was attributed to efforts of the Joint Security Task Force (JSTF).

However, the AUEOM urges the law enforcement agencies to investigate and prosecute all perpetrators of the violence that occurred during the elections. This will not only increase citizens' confidence in the justice delivery system but will also ensure that political actors desist from violence in future elections.

(x) Civic and Voter Education

The Mission noted the various strategies employed by the NEC, civil society and Community Based Organisations (CBOs) to mobilise citizens to participate in the elections, particularly, in the BVR amidst a plethora of misconceptions about the process.

(xi) Role of Civil Society

In the 2023 General Elections, CSOs in Liberia undertook a number of initiatives to support the electoral process. They implemented peace promotion activities, civic and voter education, and played independent oversight on the electoral process.

The Mission acknowledges the important role that CSOs in Liberia have played throughout the electoral process and urges them to continue to initiate programmes in the post-election environment to promote good governance, improve democratic practices and support nation building.

C. ELECTION DAY OBSERVATION

(i) Opening

The AUEOM observed opening procedures at 24 polling places in 16 Districts across the country. Majority of the stations (86%) opened on time and the remaining three opened late because of poor preparation by the polling staff.

The opening of polls was conducted in a generally peaceful environment in all counties observed. Security officials were present at all voting precincts throughout the day, and AU observers described their presence as professional. However, observers noted that the queues outside some polling places were disorderly and sometimes chaotic. This was mostly caused by voters scrambling to identify their allocated polling places.

All opening procedures, including display of empty ballot boxes and correct sealing and placement of the boxes, were conducted professionally and polling staff demonstrated a good understanding of the procedures.

(ii) Voting

The AUEOM observed voting in 279 polling places. It took an average of six minutes to process a voter from the time they enter the polling place to when they depart.

The AUEOM noted that the Presidential ballot paper was too long, and it took voter an extra amount of time to fold the paper and put it into the ballot box.

The polling places were laid out in an appropriate manner that allowed free flow of voters and guaranteed secrecy of the ballot.

Although the AUEOM observers did not witness any incidents of violence, they reported that the atmosphere at 45 percent of the voting precincts was generally not peaceful because the crowd was not properly controlled at the queues. Voters tried to forcefully enter the polling precinct.

Most stations (86 percent) were accessible to voters with disability, and the remaining were located in areas that were not on ground level or poorly levelled. In 25 percent of the precincts where the polling place was not accessible, there were crowds obstructing the entrance.

The AUEOM also observed that blind voters needing assistance were provided with the braille jacket and priority was given to PWDs, the elderly, nursing mothers and other persons requiring assistance.

Observers also noted higher numbers of women participation at the polling places visited. On average, 51 percent of polling staff were female, and AUEOM observers reported that a large number of voters in the queues were women. The AUEOM also noted that a large percentage of the polling staff, party agents and voters were youth.

(iii) Closing and Counting

Even though there were voters in queues at the close of polls at 6pm, they were all allowed to vote.

Candidate and party agents were present in all phases of the process and appeared to be knowledgeable about their roles and responsibilities. Both agents and observers were able to conduct their duties without any obstructions or restrictions.

Polling staff implemented all closing procedures as indicated and remained professional during the entire closing and counting process.

(iv) Tabulation and Tallying

The AUEOM observed the initial stages of the tallying process which was generally peaceful with no incident reported. The polling staff largely adhered to the prescribed procedures.

B. CONCLUSION AND RECOMMENDATIONS

Overall, the Mission notes that Liberians were able to freely exercise their Constitutional rights in peaceful elections. The AUEOM therefore implores all aggrieved parties to use the existing elections dispute resolution mechanisms

to address their grievances, and to do so within the provided timeframe and conditions.

In order for Liberia to continue to improve its electoral processes, the Mission proffers the following recommendations:

To the Government

- a. Work with the Legislature to develop a special Act to disband all militant groups in its entirety, and criminalise the formation, use, affiliation and support to militant groups and individuals.
- b. Ensure that any amendments to the New Elections Law are done on time so that they could be implemented in future elections.
- c. Strengthen Liberia's policies and legal framework that address the challenge of under representation, participation and inclusion of women, youth and PWDs in politics.
- d. Work with all media industry players to start a national conversation towards developing a media commission or authority that will regulate the media space.

To National Elections Commission

- a. Strengthen the public relations and communications strategies to make it more vibrant to be able to relate to current trends of information dissemination and public engagements.
- b. Move to the next stage of the BVR where the technology will not only be used to register voters, but also to verify voters on Election Day.

To Political Parties

- a. Continue to abide by the commitments they have made in the Revised Farmington River Declaration in the post-election period and beyond.
- b. Use the existing elections dispute resolution mechanisms to address grievances, and to do so within the provided timeframes and conditions.

To Civil Society Organisations

- a. Continue to initiate programmes in the post-election environment that promote good governance, improve democratic practices and nation building.

To the Media

- a. Develop strong regulatory mechanisms and raise ethical media standards and professionalism to reduce political capture.
- b. Review the existing Code of Conduct to regulate members and develop structures to oversee effective application of the Code.

To Liberia National Police

- a. Investigate and prosecute all perpetrators of the violence that occurred during the elections.

Issued in Monrovia, Liberia on 12 October 2023

Her Excellency Phumzile Gloria MLAMBO-NGCUKA
Head of AU Election Observation Mission
(Former Vice President of the Republic of South Africa)