

Addressing Threats to peace and Security in Liberia’s Elections: A quick update on current political tensions July 14, 2017



Background:

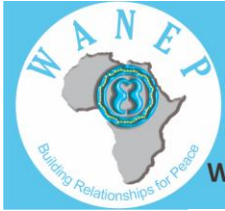
- Liberia is barely three months away from Legislative and Presidential Elections billed for October 10, 2017.
- The political atmosphere is charged as Liberia’s estimated 3.5 million population (Liberia Institute of Statistics and Geo-Information Services - LISGIS, 2009) is deeply engrossed in politicking.
- About 50% of the country’s population are youth, mostly unemployed, and are actively involved in the electoral processes.
- There have been ceaseless Supreme Court cases between the National Electoral Commission (NEC) and several presidential aspirants and other political parties’ candidates.

- These incidents have the potential to disrupt NEC as well as the general socio-political stability of the country.
- Injustice, inequality, hate speeches and incitements, provocations, and opening of past wounds are rife.

INCIDENT PROFILE :

Problems with the Voter Register

The voter registration (VR) processes for the Legislative and Presidential Elections (2017) in Liberia were marked by challenges, ranging from inadequate funding to perceived irregularities. The VR exercises ended with approximately 13,000 potential voters being omitted from the preliminary list. That figure accounted for about 0.6 percent of the 1,903,229 registered voters in the countryⁱ. In addition to that, there is widespread disenchantment among the populace on the VR processes. In an attempt to address the concerns from the people affected by the omission of names from the voter register, the NEC Chairperson, Jerome Korkoya asserted that all those who were omitted from the provisional list with valid voter identity cards would be allowed to vote on polling day. This statement has met solid resistance from members of the public, and affected political parties including the Movement for Economic Empowerment (MOVEE), and other advocacy civil society groups like Emancipation Movement of Liberia, Inc. (EMOL), termed the NEC’s action as “a recipe for fraud, uncertainty and the resurrection of conflict in Liberia”ⁱⁱ. Similarly, the Elections Coordinating



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Committee (ECC) also said that such pronouncements by NEC has the potential to undermine the credibility of the final voter registerⁱⁱⁱ.

Controversy over Sections of the National Code of Conduct

In March 2014, Liberia's Legislature passed a National Code of Conduct (CoC) to protect the integrity of the public service and guard against conflicts of interest among officials holding public offices. The CoC maintains an exhaustive list of actions – including bribery, nepotism, lobbying and unethical behaviour – that could give rise to a situation of conflict of interest or undermine the credibility of public policy. Ahead of the 2017 elections, some of the CoC's provisions, especially Section 5 is proving particularly controversial and has ignited fierce public debates and legal contestations. Already, some politicians have been barred from running in the elections on the basis of contravening Section 5.2 of the CoC. These include Vice Standard Bearers of the Liberty Party (LP), Mr. Harrison Karnwea and Ambassador Jeremiah Suluteh of the Alternative National Congress (ANC) among others.

Given this situation, complaints have been filed with the Supreme Court for an interpretation of the code alongside the rights of citizens under Article 21 of the 1986 Liberian Constitution^{iv}. Despite the court actions brought against the NEC, it has vowed to implement the provisions of the CoC.

Going forward, the chambers of the Supreme Court plans to deliver judgement on the matters before it in the next few days. The judgement will set precedence in the electoral history of Liberia's nascent democracy.

RISKS ANALYSIS :

Inclusive and unhindered participation is one of the key principles of democracy and good governance. While in the process of actualizing this tenet ahead of the Legislative and Presidential Elections in Liberia, controversies in relation to legal interpretation of the laws have ensued. While it is also good to test democracy, the timing of these actions appears to be worrisome. This is because the court actions may distract the attention of NEC from planned activities or even obstruct the conduct of peaceful elections in the country.

Similarly, and in the light of this development, a **worst-case scenario (highly likely)** would be a Supreme Court decision that would give NEC the legal confirmation to proceed with its actions to bar political party candidates falling foul of the relevant CoC provisions. This may increase tensions and create the conditions for unmanaged emotions which could stimulate affected parties to mobilize supporters in protest against the Supreme Court's ruling and NEC's decision. This in turn could lead to violence and erupt into public disorder.

The **best-case scenario (likely)** is that the Government of Liberia, would be prevailed upon by international moral guarantors like ECOWAS, AU and the International Community to allow all to participate in the elections in the interest of peace and security, and an injunctive relief to NEC to proceed with preparations for the elections.

MECANISMS FOR INTERVENTIONS :

- Members of political parties and disqualified candidates have trust in the Judiciary and are willing to take the matter to court for interpretation. Similarly, the Supreme Court acceptance to look into the petitions shows commitment to resolve the legal issues around the elections (no matter the outcome).
- The AU and ECOWAS Offices in Liberia have shown interest in the situation and may see reasons to intervene and advise appropriately in the interest of peaceful elections and stability in Liberia.
- The Mano River Union arrangement could also be leveraged to support the peaceful resolution of the impasse and the conduct of the elections.

RECOMMENDATIONS

1. The NEC in its bid to ensure compliance with the election's Code of Conduct should work closely with all political parties to resolve differences and remain committed to the election calendar and the elections in October 2017.
2. NEC to be more proactive in communicating its actions and activities to Liberians to ensure public confidence as civic support for the electoral process.
3. The Supreme Court of Liberia should avoid unnecessary delay in the ruling and should make conscious efforts to communicate clearly the decisions to the aggrieved parties and the general public.
4. Political parties, especially those affected should display political maturity and tolerance in addressing the legal issues around participation and commit to manage the expectations of their supporters irrespective of the Supreme Court's ruling.
5. That the AU and ECOWAS through the Government of Liberia to prevail on the current legal impasse and ensure peaceful resolution of the issues and with firm commitment to revisit the laws after the elections.
6. International Community to support and enhance platforms for inter-party dialogue, as well as for party engagement with the NEC and other stakeholders including the judiciary.

ⁱ The NEC's Chairperson, at a regular press briefing the NEC Headquarters in Monrovia on 14th June 2017.

ⁱⁱ Emancipation Movement of Liberia, Inc. (EMOL), press statement on 20th June 2017

ⁱⁱⁱ Elections Coordinating Committee (ECC), pronouncement on 15th June 2017

^{iv} Article 21 (a) of the Liberian Constitution states that no person shall be deprived of life, liberty of the person's property, privilege or any right except as an outcome of a hearing consistent with provisions laid down in the Constitution and in accordance with due process of law.