



GOVERNANCE COMMISSION POLICY BRIEF



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POLITICAL PARTIES IN ELECTION DISPUTE RESOLUTION

BACKGROUND AND INTRODUCTION

The backdrop upon which this Policy Dialogue was held was that an opportunity now exists to find lasting solutions to the problems that have bedevilled Liberia's electoral processes since, and even before, 2005.

The focus of the Policy Dialogue was on the potential role of political parties in electoral dispute resolution. It was concluded that, since the majority of electoral complaints come from political parties, giving them a central role in electoral dispute resolution could enhance the chances of lasting solutions to such disputes.

Based on the aforesaid, the chairpersons of the Congress for Democratic Change and the Liberty Party, Hon. Nathaniel McGill and Cllr Fonati Koffa, respectively, were chosen to serve as the lead presenters at the 10 December 2015 Policy Dialogue, with Press Union President Abdullai Kamara moderating.

Remarks

Cllr. Jerome Kokoyah, Chairman of the Elections Commission; Hon. Gabriel Smith, Chairman of the House Committee on Elections; and Hon. Larry Younquoi of the House Committee on Good Governance and Government Reform made introductory statements at the event.

Cllr Kokoyah described the event as farsighted and timely, thanking the Governance Commission for organizing it, while Hon Smith challenged Liberians to learn from the experience of other African countries that have had successful elections. Hon. Younquoi, for his part, called on all candidates to sign memoranda of understanding that bind them to election results.

All those making remarks agreed that previous Liberian elections will be pale in comparison to the forthcoming elections because of the historicity of 2017, hence the need for diligence, without which Liberia's democratic transition could be derailed.



Cllr. Jerome Kokoyah

POLITICAL PARTIES IN ELECTION DISPUTE RESOLUTION: A SUMMARY OF THE KEY ISSUES



Hon. Nathaniel McGill

Hon. McGill agreed with the Governance Commission about the centrality of political parties in the electoral process and consequently in electoral dispute resolution, saying that this was necessary to lend credibility, objectivity and transparency to the electoral process. He said political parties could play a key role in electoral dispute resolution and prevention among political parties on the one hand, and between political parties and Elections Commission on the other.

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In re-enforcing the point made earlier by Hon. McGill, Cllr. Fonati Koffa, the Liberty Party Chairman, said that, contrary to the low profile accorded to political parties, the Liberian Constitution devoted more provisions to political parties and elections than to any topic. As such, political parties needed to be funded so that they are empowered to monitor elections and restore confidence within the electoral management system. The need for political parties to have confidence in the electoral management system was of critical importance, according to Cllr. Koffa, because if there is any iota of distrust, whatever else the Elections Commission does will never be considered fair.



Cllr. Fonati Koffa, Chair. Liberty Party

Hon. McGill urged the Elections Commission to work to address the negative perception that political parties and independent candidates have about it, which is that the Elections Commission is biased in favour of the ruling party. He said that perception bred distrust and was the underlying cause of electoral disputes.

KEY ISSUES

A plethora of issues were brought to the fore by the political party leaders which, they reckoned, should be addressed well in advance of 2017 to ensure peaceful elections. Below are a summary of those issues:

1. NEC does not have the technical capacity to verify membership criteria for political party registration. There may therefore be the risk of duplication of members across the political spectrum.
2. The requirement for political parties to submit reports annually on their successful candidates is contentious. The question that was raised was: "Should political parties still submit reports of their successful candidates if they later defect?"
3. Lack of awareness about election guidelines is a potential source of electoral disputes. Both political parties and NEC staff could benefit from training on election guidelines.
4. Conflict of interest exists between NEC and magistrate officers. The perception is that magistrate officers and NEC are part of the same entity, yet NEC is allowed to investigate decisions made by magistrate officers, which essentially, is asking NEC to investigate itself, making the process to lack transparency.
5. A Flawed Voters' Roll. This is manifested by the inability to distinguish between a 2005 and 2011 voters' card, making it easier for voters to be trucked/shifted from one voting precinct to the other.
6. Insufficient timeframe within which to conduct civic and voters' education for 2017 election. In view of the enormity of the task of civic and voters' education, it may already be too late to undertake an effective civic and voters' education in time for the 2017 elections.
7. Proliferation of writs of prohibition a 'Pandora box' for 2017 elections. A dangerous precedent was set in the 2014 Special Senatorial Elections that gave every political party an opportunity to file a complaint.
8. Individuals unilaterally file electoral complaints. Political parties and NEC must reject complaints filed by candidates without endorsement from their political parties.

INTERACTIVE DISCUSSIONS

Following the presentations by the political party leaders, the participants were given the opportunity to ask question and make comments on some of the issues that were brought up. Below is a summary of the comments/questions:

- At the time the requirement for political party membership was made there were only nine counties but today there are 15 counties, which makes the constitutional requirement of 500 members per county per political party a recipe for conflict;
- NEC should be given a long-term budget so as to reinforce its financial autonomy;
- It is not expedient to create political parties whose sole purpose is to give their standard bearers the opportunity to become ministers of government;
- The idea of restrictions on the number of political parties is a non-starter because doing so will dis-enfranchise other Liberians;
- It is impractical to have an unmanageable number of political parties in a country as small as Liberia. There is therefore a need to introduce regulations that will ensure the sustenance of viable political parties that have easy-to-follow ideologies.
- The criteria for registering new political parties cannot be the same as it was in 1986 when the Liberian Constitution was drafted because the population has increased and the political subdivisions have expanded. The criteria for political party registration should therefore be changed to reflect this reality;
- Political parties need to continue to take forward the conversation that was initiated at the Policy Dialogue. The Governance Commission may be able to facilitate such a process. The outcome of such a conversation will be to come up with elections guidelines that will be followed during the 2017 elections;
- Although there is a law against trucking, it is not likely that the problem will be resolved anytime soon in the absence of new technology and a proper address system;
- If electoral appeals will not have the effect of changing the elections result then the complaint should not be made;
- The international community brings in many election observers and pays them a lot of money, yet those observers can never be expected to comprehensively monitor elections. Will money not be well spent if it were given to all participating political parties for the purpose of elections monitoring, something they could do far more comprehensively because it would be in their interest to do so? Also this would lend credibility and transparency to the electoral process and ensure peaceful elections.

POLICY RECOMMENDATIONS

The policy recommendations that emerged from the Policy Dialogue were that:

1. NEC hold seminars/workshops on elections guidelines for political parties and NEC staff at least once every year;
2. Electoral dispute resolution rules that will be acceptable to political parties, independent candidates and NEC be adopted.
3. The Supreme Court and NEC ensure that election cases are heard and rulings made within the constitutional timeframe.
4. NEC introduce a biometric voters' identification card before 2017. This will solve the problem posed by 'trucking' of voters.
5. Political party representatives at polling stations be given ample space and facilitated in their monitoring of voting and tallying of ballots.
6. Elections rules, which all stakeholders agree to, must be followed. Once this is done it will produce transparency and give the elections results credibility;
7. Introduce a capacity building program for NEC and magistrate officers;
8. Rules should be set that determine whether or not electoral complaints will be heard, so that complaints whose favourable determination do not cause the overturning of the results are rejected.
9. The Government should provide funding for political parties that receive a specified threshold of the votes, thus halting the proliferation of political parties.
10. An Elections Court should be set up so as to relieve the Supreme Court of a very heavy workload.



Members of political parties at the dialogue