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**ELECTORAL PROCESS DIAGNOSTICS
OF LIBERIA'S NATIONAL ELECTIONS
COMMISSION**

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Electoral Process Diagnosis

LIBERIA ELECTIONS AND POLITICAL TRANSITION PROGRAM

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DISCLAIMER

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EXECUTIVE SUMMARY

BACKGROUND

This report provides findings from an analysis of the management and operations capacity of Liberia's National Elections Commission ("NEC" or "Commission") using IFES' Electoral Process Diagnostics (EPD) methodology. The NEC represents an autonomous public commission responsible for conducting elections for all elective public offices and to administer and enforce all elections laws throughout the Republic of Liberia. Established under Article 89 of Liberia's 1986 Constitution, the NEC has undergone a number of changes over the years, transforming from the Elections Commission (ECOM) in 1986 to the reconstituted NEC in the 2003 Comprehensive Peace Agreement (CPA) signed in Accra in August of that year. The CPA ended 14 years of conflict in Liberia. The NEC has been responsible for major general elections in 2005 and 2011, the 2011 constitutional referendum, and the 2014 Special Senatorial Elections which it administered during the Ebola crisis.

EPD METHODOLOGY

The EPD is an assessment methodology developed by IFES for improving electoral processes by learning from past experiences, and to support EMBs by conducting robust, scientifically-based assessments of their processes and performance. The set of assessment incorporated under the EPD umbrella offers systematic tools based on direct engagement with the Election Management Body (EMB) and utilize primary data to carry out detailed assessments of key aspects of any electoral process. This positive interaction with the EMB allows for much more comprehensive analyses and targeted recommendations.

The EPD tools are neutral and objective, and aim at giving an unbiased impression of the electoral process and how it can be improved. Currently, EPD has specific assessment approaches for five facets of the electoral process:

- EMB Management and Operations
- Voter Education
- Voter Registration
- Party and Candidate Registration
- Polling Day Operations

Under the EPD methodology, each facet mentioned above is analyzed in how well it conforms to five key electoral principles:

- I. Impartiality
- II. Transparency
- III. Competence
- IV. Inclusiveness
- V. Sustainability

The key electoral principles are based on international legal instruments and best practices in elections. The methodology uses primary data to assess the facets of the electoral process, and allows practitioners and researchers to make recommendations on needs for forthcoming election cycles based on reliable and replicable data. The primary focus is on the EMB as the central electoral actor, and steps it can take to address needs identified by the analysis.

IFES assessed the NEC's management and operations capacity by reviewing documents relevant to the electoral process in Liberia, conducting in-depth interviews with five NEC Commissioners and more than 40 staff from all levels, and holding focus groups with civil society organizations (CSOs), political parties, and electoral Magistrates. The interviews and focus groups took place the week of May 25, 2015, with more than 70 individuals taking part. A structured questionnaire formed the basis for the data gathered during the interviews and focus group discussions.

An overall rating is given for each principle ranging from 1 (does not conform) to 5 (conforms to a very high degree). While these ratings provide a quick method for understanding the level of conformity with the electoral principle and are useful for trend analysis, IFES believes that the granular details in the detailed analysis are much more useful for the EMB and electoral practitioners in understanding the specific issues that should be addressed against each electoral principle. The reader is urged to consider both the score and brief listing of assets/challenges, as well as the detailed analysis of issues for a comprehensive understanding of issues that the NEC should address.

KEY RECOMMENDATIONS BY PRINCIPLE

The EPD analysis considered the assets and challenges for each principle in developing recommendations that the NEC should consider as addresses key strategic and operational planning issues. An in-depth discussion on the assets, challenges, and recommendations for each principle is presented in each of the report sections on electoral principles. The recommendations are as follows:

I. Impartiality

Overall Rating: 3 - conforms at an acceptable level, improvement needed

1. Election funding should be disbursed with more regularity to ensure liquidity of the Commission and allow for proper planning and implementation according to plans, thereby increasing implementation predictability.
2. Engage in widespread consultations regarding the establishment of a specialized electoral tribunal for resolution of disputes.
3. Harmonize the electoral laws and administrative procedures regarding contested results and complaints.
4. Plan for logistic support for UNMIL's withdrawal in order to ensure operational independence of the Commission.
5. Amend the law to allow for a more comprehensive screening process of Commissioners and Executive Director. A review of the Commission's appointment process for the Executive Director, rather than by the President, should also be considered.
6. Strengthen the Commission's Legal Department's capacity to ensure sufficient coverage for drafting, interpretation of statutes, provision of legal advice and dispute resolution.

II. Transparency

Overall Rating: 2 - Conforms to some elements, significant improvements needed

1. The NEC should analyze its communications approach with stakeholders, including the Executive and Legislature, and develop a strategy to communicate its decisions and actions on the election process to stakeholders in a timely and effective manner. Some steps the NEC may want to consider as part of this analysis include:
 - a. Systematic consultation with electoral stakeholders to assess their views on different tools and approaches to enhance the effectiveness of communications.

- b. Develop specific policies guiding the release of information to the public and electoral stakeholders, as well as means of engagement and discussion with electoral stakeholders on electoral issues.
 - c. An analysis of the NEC's under-utilized web presence with a focus on making it a key component of the NEC's communication strategy for electoral stakeholders. Analysis should consider all aspects of website maintenance from technological aspects to required resource allocation.
 - d. Identification and skills-building of specific officers within the organization with responsibility to be primary contact points for specific sets of stakeholders.
2. Conduct a review of internal communication and policy-making process to ensure that appropriate channels are being utilized to communicate with all parts of the institution, and that all parts of the institution have the same understanding of policies and procedures. As part of this review, analyze all draft policies and establish a time-bound process for adoption of permanent policies.
 3. Conduct an analysis of peer EMBs from neighboring countries and best practices to assess whether stakeholder access to other parts of the electoral process beside election observation is a viable means for greater transparency.

III. Competence

Overall Rating: 2 - Conforms to some elements, significant improvements needed

1. Clear job descriptions, performance goals and training needs need to be developed as realistic capacity building plans segmented by audience or hierarchy such as specific training for the Board of Commissioners, Secretariat leadership, mid to junior staff and field offices. The foundation of existing experience within the staff, rudimentary training needs analysis and past BRIDGE trainings provide a good foundation upon which this can be built. Consistency in the governance, reporting, accountability lines and a performance management system needs to be developed and streamlined. Establishing performance goals will ensure that these correlate with the vision, mission and strategic goals of the NEC and help bring some consistency regarding governance.
2. Improved planning, budgeting and coordination of major electoral events need to take place as with some haste. Plans, based on different scenarios, need to be compiled for the voter registration and a possible referendum. The monitoring of performance against all plans needs to be put in place and implemented.

3. Processes and procedures described in the Administration Manual must also be implemented to streamline coordination between different departments.
4. Departments such as the GIS function should be used to contribute both to planning and monitoring of implementation.
5. Improvements in the HQ-field relationship, along with communications infrastructure, needs to be tackled as a matter of urgency. Field staff members should be consulted and engaged with regards to planning and policy matters to ensure buy-in and coherence in the implementation stages of operations. An in-depth investment in the capacity of Magistrates should be done, especially with regards to dispute resolution.
6. A NEC Resource Acquisition and Asset Management Plan must be compiled to improve, increase and maintain Commission equipment and infrastructure. The NEC will then need to advocate for or raise funds for such a resource plan with clear prioritization in mind.
7. NEC's Strategic Plan should be reviewed as a mid-term review process and widely disseminated internally and externally. Develop a process that allow for public and stakeholder feedback to be integrated into the strategic planning process, thereby activating important constituencies for awareness and advocacy purposes.

IV. Inclusiveness

Overall Rating: 2 - Conforms to some elements, significant improvements needed

1. Sustained focus on inclusion through initiatives to mainstream gender and Persons with Disabilities (PWD) in all electoral processes. Capacity-building of staff in Gender Liaison unit should be a priority for the NEC.
2. Commitment at leadership levels to gender inclusion can be demonstrated through initiation of a policy review and mapping process that identifies needs and challenges in terms of gender inclusion and mainstreaming in NEC policies and processes. Suggested courses of action to address these needs that should be monitored over time. The Gender Liaison unit should play a leading role in this exercise.
3. Take steps that lead to the establishment of point person, unit, or sub-unit focused on electoral participation of PWDs, as well as resources to ensure that electoral participation of this population is appropriately addressed for future electoral events. Similar to gender inclusion, an initial review of policies and processes can provide important feedback on steps needed to advance PWD inclusion and mainstreaming in NEC policies and processes.

4. Consider establishment of regular forum to engage with civil society on electoral issues, similar to IPCC. Take steps toward establishment of policy that regards civil society as more than service partners. An initial step may be to formalize NEC participation in the ECC as a platform for civil society to provide its insights on important electoral matters to the NEC.

V. Sustainability

Overall Rating: 3 - conforms at an acceptable level, improvement needed

1. The NEC should initiate a mechanism whereby progress toward achieving strategic objectives outlined in the strategic plan can be systematically monitored. Appropriate actions need to be taken to ensure that core elements, deemed necessary for achieving the NEC's strategic vision, are being addressed. This effort will not only require attention from senior ranks of the NEC, but should also involve involvement of staff at all levels of the organization. A key first step should be to familiarize staff and electoral stakeholders with the strategic plan.
2. Contingency planning for a possible referendum in 2016 / 2017 should be prioritized, with both financial and operational needs clearly identified for relevant electoral stakeholders and for internal decision-makers. Accelerate decision-making on alternatives to UNMIL logistical support for future electoral events to ensure that planning and implementation challenges can be addressed in a timely manner. A coordinated approach involving the NEC, UNMIL, and Liberian military can aid in identifying key areas of collaboration and capacity building for logistical support for elections.
3. Supporting the continued evolution of the internal audit function to one that provides advisory as well as operational services to strengthen the integrity of the procurement function in the NEC. An important area of focus should be maintaining the internal Audit unit's independence.
4. Focus on procuring and effectively implementing appropriate software solutions for financial and facilities management.

The analysis of the NEC's management and operations capacities in this report is organized by the electoral principles that provide the framework for the EPD's analytical approach. The analyses focus on the level of conformity the NEC demonstrates with each principle in its operations management and internal processes. The detailed analysis for each principle identifies the key assets that NEC has in place to support conformity with the principle, and the challenges it faces in more fully conforming to the principle.

I. IMPARTIALITY

Impartiality is instrumental in both the actual and perceived equal treatment of voters and contestants in an electoral process. Similarly the NEC needs to be, and seen to be, functioning in a manner that guarantees its neutrality in discharging its responsibilities without any outside interference. The EPD analysis considered key components under impartiality related to:

- financial resourcing;
- independence;
- planning;
- the role of the courts and legal reform;
- the appointment and dismissal process for Commissioners; and
- behavioral independence associated with their performance.

Within the electoral context, the understanding of impartiality is coupled with independence, which can often be approached from two angles. Independence can be structural, whereby the Commission needs to be protected with regards to the legal framework. The Commission currently enjoys such protection through the constitution. This would often guide not only the establishment legislation of the institution, but also the policy frameworks such as financial provisions that underpin its operations. In the case of financial freedoms, it is clear that the NEC faces some limitations that stem from late disbursement of funding, insufficient disbursement, challenges regarding internal controls and a major and unsustainable dependence on donors during non-election years.

Legal Mandate

Impartiality is also engrained in how the Commission acts in implementing its legal mandate. Common perceptions play a critical role and the Commission's ability to uphold its role as an impartial and independent body becomes an important yardstick. The appointment process of Commissioners represents a starting point with regards to perceptions, as well as key dependencies that hamper the NEC's full-blown operational independence. This relates not only to logistical challenges in the management of elections, but also to the role of other independent structures such as the judiciary and in particular the Supreme Court in resolving electoral challenges. The overall analysis of the Impartiality-principle is summarized in Table I below.

Table 1: Impartiality Key Findings

| | |
|--|---|
| Overall Rating: 3 - Conforms at an acceptable level, improvement needed | |
| Identified Assets | <ul style="list-style-type: none"> • Legal independence • Positive public perceptions among voters and some stakeholders • Law reform efforts aimed at improving independence |
| Critical Challenges | <ul style="list-style-type: none"> • Lack of financial autonomy • Financial resourcing for electoral period only • Judicial challenge to authority • Perceived political interference • Dependence on logistical and donor support |

The Commission enjoys important legal protection, stemming from:

- The 1986 Constitution, where its autonomy was established,
- The 2003 Accra CPA, where its independence is affirmed as a reconstituted body, and
- The Elections Law, as amended in 2003 and 2004, which covers the establishment, organization and administration of the Commission.

The latter three sections addressed in the Electoral Law cover the appointment of Commissioners, tenure, the independence of Commissioners from party affiliation connections among others. These provisions lay an important foundation for the structural independence of the Commission and are in line with Article 3 of the 2001 ECOWAS Protocol on Democracy and Good Governance and the 2007 African Charter on Democracy, Elections and Governance. Concern was expressed by stakeholders at the amount of power vested in the President of Liberia, who is directly responsible for the appointment of the Commissioners as well as the Executive Director, following advice and consent of the Senate. Some stakeholders felt that a prior vetting process should be followed before the President considers appointments. Though concern was expressed about the lack of electoral experience of Commissioners prior to their appointment, this was not considered to have adversely influenced the daily working of the Commission, as some current Commissioners that can provide guidance where required with regards to institutional memory. Efforts regarding law reform currently seek to improve the Commission’s independence and this is an important development, as it strengthens its impartiality. Some consideration needs to be given to the appointment process of the Executive Director. The Commission, rather than the President, should be entrusted to appoint the Executive Director. This establishes clear accountability and reporting between the Commission and the Executive Director.

Operational Constraints and External Factors

| AREA | Financial Autonomy |
|----------------|---|
| ASSETS | <ul style="list-style-type: none"> • Improved financial accounting systems • Past adverse procurement findings acknowledged and being addressed |
| MANIFESTATIONS | <ul style="list-style-type: none"> • Inability to plan realistically for activities • Inability to complete planned activities • Significant time wasted due to negotiations with MFDP |

It is in the area of financial autonomy that the Commission experiences significant challenges. The NEC suffers from a lack of adequate and timely released funding for electoral activities by the Ministry of Finance and Development Planning. This was a universal commentary from all those interviewed. Currently the early preparation for the October 2017 elections, with a major focus on registration and a possible referendum, is not enjoying sufficient funding to allow for preparations to be initiated. The delay in preparations will have a knock-on effect in that, due to reduced time, will require more expensive solutions for logistical and other operational priorities. This relates directly to the NEC's performance and hence it is argued impacts on its ability to deliver on its mandate. It appears that regular visits with the Ministry of Finance and Development Planning to ensure allocations are received, are the norm. The Commission's ability to plan its operations and implement them as planned is therefore compromised and represents, for some, an infringement on the NEC's independence. A proposed amendment of the Electoral Law, which talks to semi-annual disbursements, as opposed to quarterly disbursements, has been submitted to the Legislature for review. If approved, semi-annual disbursements would improve the Commission's liquidity and operational capability.

| AREA | Donor Dependence |
|----------------|--|
| ASSETS | <ul style="list-style-type: none"> • Responsive and coordinated support efforts • Skills transfer in donor support witnessed • Not all planned activities can be funded |
| MANIFESTATIONS | <ul style="list-style-type: none"> • Limited alternative to UNMIL logistical support • Linking capacity development to performance |

The lack of funding during non-election years and well ahead of the next elections results in a major dependence by the NEC on donor funding and support. While the NEC has solicited financial support for specific gaps from international donors, it must continue to advocate for a sustainable domestic source of revenue. The international community is unable to always provide sufficient support when and where required, which results in implementation gaps in planned activities. One major area that will warrant attention will be the withdrawal of the UN Peacekeeping mission (UNMIL) from Liberia well ahead of the next elections. The logistical support provided by UNMIL through various transport means cannot easily be replicated in Liberia and represents a real risk in the Commission’s ability to distribute material across the entire country in time and in sufficient quantities. Pressure to increase the number of polling stations and place these closer to voting populations will exacerbate a NEC’s logistical capabilities. The NEC’s operational independence in this regard warrants serious attention.

| AREA | Unclear Role of the Courts |
|----------------|---|
| ASSETS | <ul style="list-style-type: none"> • Supreme Court identified as court of last instance • Common agreement that electoral tribunal should be established |
| MANIFESTATIONS | <ul style="list-style-type: none"> • Lengthy dispute resolution process • Tensions of role of Supreme Court in relation to NEC • Perceptions of Supreme Court interference |

Several people interviewed commented on the adverse impact of the Supreme Court on the Commission’s independence. The Supreme Court issued a stay order on some candidates’ certification following the 2014 Special Senatorial Elections. Differences in opinion over the law’s timelines and due process resulted in a lengthy process of

resolving the matter in the Supreme Court. It is argued that the Supreme Court appeared to have erred in reinterpreting the law when it was not warranted and that this impinged on the Commission's independence to make such decisions. This raised questions over the role of the Court itself in relation to the electoral legislation and role of the Commission. A number of different calls regarding the establishment of an electoral tribunal, from NEC's own Strategic Plan to observer mission reports, could assist in the speedy resolution of election-related disputes that appear before the courts. Coupled with this, there needs to be a harmonization of the election law and administrative procedures regarding contested results and complaints. The capacity of the NEC's Legal unit should also be significantly strengthened with additional capacity and skills training to deal with challenges it faces ahead and following the next elections.

Recommendations

1. Election funding should be disbursed with more regularity to ensure liquidity of the Commission and allow for proper planning and implementation according to plans, thereby increasing implementation predictability.
2. Engage in widespread consultations with key electoral stakeholders (e.g., political parties, legislature) regarding the establishment of a specialized electoral tribunal for resolution of disputes.
3. Harmonize the electoral laws and administrative procedures regarding contested results and complaints.
4. Plan for logistic support for inevitable withdrawal of UNMIL in order to ensure operational independence of the Commission.
5. Amend the law to allow for a more comprehensive screening process of Commissioners and Executive Director. A review of the appointment process for the Executive Director by the Commission, rather than the President, should also be considered.
6. Strengthen the legal capacity of the Commission's Legal unit to ensure sufficient coverage for drafting, interpretation of statutes, provision of legal advice and dispute resolution.

II. TRANSPARENCY

Given their role as guarantors of a credible and impartial electoral process, it is vitally important that election management bodies conduct their mission with as much transparency as possible so that the public and electoral stakeholders can hold the body accountable for its charge. Transparency can range from providing quick and easy access to relevant electoral materials to physical access for stakeholders to critical parts of the electoral process apart from election-day. Not only does open and transparent election management foster accountability, it can also generate confidence in the electoral process and ensure that important tenets of democracy are enshrined in the process.

The NEC’s basic orientation is predisposed toward openness in providing information and documentation to the public and stakeholders on relevant electoral issues, and ensuring that the Commission operates in a transparent manner. It has in place practices and initiatives that further the goal of transparency, yet it is also lacking approaches and policies that can help guide the implementation of these initiatives in an effective manner. These challenges impact both public transparency and internal transparency within the NEC. The overall analysis for the transparency principle is summarized in Table 2 below.

Table 2: Transparency Key Findings

| | |
|---|---|
| Overall Rating: 2 - Conforms to some elements, significant improvements needed | |
| Identified Assets | <ul style="list-style-type: none"> • Media communications/rapid response capacity • Support for observation • Pre-expenditure audits policy |
| Critical Challenges | <ul style="list-style-type: none"> • Little public communications capacity beyond rapid response • Decision, documents (including Strategic Plan) not easily available • Lack of uniform recruitment process and performance measurement • Internal transparency and alignment lacking; inconsistent policy application • Stakeholder access to key parts of electoral process |

The NEC generally makes public any policy and other decisions that impact the electoral process and, in recent years, it has also developed a strengthened Communications unit primarily responsible for monitoring the media and ensuring timely and appropriate responses to any electoral issues (that may be covered in the media). Internally, the NEC has transparent recruitment policies and procedures in place for both permanent and ad hoc electoral staff. However, while these policies are transparent they are not uniformly applied. This applies to all staff including the recruitment of *ad hoc* staff. And while the NEC has an approach to make public important decisions and documents, the implementation is not optimal and impedes electoral stakeholders from easily obtaining electoral documents and data. The NEC’s public communication approach can also be strengthened to emphasize regular, day-to-day communications in addition to rapid response capabilities. In terms of electoral observation, the NEC has policies in place for the accreditation of groups and individuals engaged in electoral observation and implements these policies in a satisfactory manner. However, while the NEC has effective procedures in place to facilitate election observation, it should also consider providing monitoring access to stakeholders for other key parts of the election process, such as voter registration.

Public Outreach

| | |
|----------------|---|
| AREA | Uneven Approaches to Public and Stakeholder Communications |
| ASSETS | <ul style="list-style-type: none"> Rapid response capacity Organizational orientation for sharing information with public and stakeholders |
| MANIFESTATIONS | <ul style="list-style-type: none"> Ineffective channels for public and stakeholder contact with commission Need to strengthen internal transparency |

The NEC's Communications unit is tasked with disseminating its mission and electoral initiatives to the public and electoral stakeholders. In recent years, there has been considerable effort made to strengthen the rapid response capacity of this function, with specific focus and especially positive results in responding to media coverage of the NEC and the electoral process. The Communications unit has also made efforts to provide the media with accurate information about electoral issues so that improper coverage of these issues does not compromise the NEC's mission. While this progress is to be commended, there has not been the same attention paid to establishing a robust communication function or approach for providing information to electoral stakeholders, with the Communication unit primarily focused on media engagement and not providing adequate channels for direct contact for stakeholders. One manifestation of this situation is that there is no public list of officers in the NEC who could be contacted by electoral stakeholders for enquiries related to the electoral process. Rather, the NEC cites the election law in referring to the Chair of the NEC as the official spokesman for the Commission. While this may be accurate in the strictly legal sense, it is not a practical approach for communicating the Commission's views with important stakeholder constituencies. The NEC does have mechanisms such as the Inter-Party Consultative Committee (IPCC) for communicating with political parties, however, these types of mechanism are by no means uniformly applied and even in the case of the IPCC, engagement is not frequent enough for political party preferences. Civil society stakeholders, in particular, complain that the NEC's bureaucracy makes it difficult to obtain information or documents related to the electoral process.

One way in which the limited responsible communication channels with stakeholders could be overcome is through the use of effective tools to provide information, data, and documentation for electoral stakeholders and the public. The NEC does have an open approach and wants to provide this kind of information, however it lacks the tools to do so effectively. And even in cases in which information is shared by the NEC, it can be delayed or incomplete as in the case of proposed changes to the

electoral code shared by the NEC with political parties (and not shared at all with civil society). One alternative communication and information-sharing method may be for the NEC to utilize its web presence to more effectively engage with electoral stakeholders. However, all stakeholders are of the opinion that the NEC website is not effectively utilized to share information. For example, the NEC’s Strategic Plan is not available on its website and, thus, it is not surprising that none of the political party and civil society representatives interviewed have seen it. The fact that the Strategic Plan is also not well-known inside the NEC, particularly at the mid and junior levels of the organization, also points to problems with internal transparency in the institution. It should also be noted that lack of effective communications from Monrovia is also one of the issues highlighted by Magistrates as an impediment for their work at the field level.

Internal Policies and Mechanisms

| | |
|----------------|--|
| AREA | Inconsistent Application of Policies |
| ASSETS | <ul style="list-style-type: none"> Established pre-expenditure audit process Established policies for recruitment of ad-hoc staff |
| MANIFESTATIONS | <ul style="list-style-type: none"> Inconsistent development and implementaiton of policies Shortage of resources for monitoring of policy compliance |

The NEC has taken steps to promote internal transparency by developing policies for specific areas of administration and management. One example of defined policies that guide NEC’s work is the conduct of pre-expenditure audits in the procurement process, which manages expectations for all internal actors involved in this process and which is being consistently applied. There are other functions in the NEC, however, in which policies are applied inconsistently and hamper comprehensive documentation and record-keeping. A lack of resources for monitoring and oversight, draft policies that are not fully adopted, and lack of communications between units are some of the reasons for the lack of consistency in application of policies. In the Sustainability section of this report, an example of the lack of communication between the procurement and facilities management is cited which results in a lack of effective monitoring of assets by the NEC’s facilities management team. The NEC also has policies for the recruitment of appropriate permanent and ad hoc staff for the Commission; while the implementation of this policy is monitored in Monrovia by the HR unit, it is difficult for the unit to provide oversight of the recruitment function for ad hoc staff in the field due to a lack of resources for field travel.

Recommendations

1. The NEC should analyze its communications approach with stakeholders, including the Executive and Legislature, and develop a strategy to communicate its decisions and actions on the election process to stakeholders in a timely and effective manner. Some steps the NEC may want to consider as part of this analysis include:
 - a. Systematic consultation with electoral stakeholders to assess their views on different tools and approaches to enhance the effectiveness of communications.
 - b. Develop specific policies guiding the release of information to the public and electoral stakeholders, as well as means of engagement and discussion with electoral stakeholders on electoral issues.
 - c. An analysis of the NEC's under-utilized web presence with a focus on making it a key component of the NEC's communication strategy for electoral stakeholders. Analysis should consider all aspects of website maintenance from technological aspects to required resource allocation.
 - d. Identification and skills-building of specific officers within the organization with responsibility to be primary contact points for specific sets of stakeholders.
2. Conduct a review of internal communication and policy-making process to ensure that appropriate channels are being utilized to communicate with all parts of the institution, and that all parts of the institution have the same understanding of policies and procedures. As part of this review, analyze all draft policies and establish a time-bound process for adoption of permanent policies.
3. Conduct an analysis of peer EMBs from neighboring countries and best practices to assess whether stakeholder access to other parts of the electoral process beside election observation is a viable means for greater transparency.

III. COMPETENCE

Competence lies at the heart of the professional management of elections. This is reliant on the level of technical knowledge, professional management of all stages of the electoral cycle and process and a range of efficiencies expected from election practitioners. In doing so, the EPD Methodology looks at the training of staff, strategic alignment to functions and factors that impact on the efficient implementation of these functions.

The measurement of competence stems from a clearly defined benchmark. Within the NEC this would derive from three elements: institutional mission, vision, and Strategic Plan. While the two former components are commonly visible and known within the Commission, the latter is much less well known. This is true not only within the Commission as well as outside where many stakeholders indicated little or no knowledge of the existence of the Strategic Plan. This results in shortcomings within the NEC when it comes to aligned staff capacity and competence, clear lines of responsibility for functions, coherent planning and coordination, the relationship between headquarters and field offices, the availability of equipment and infrastructure and the general implementation of the strategic plan itself. The *ad hoc* approach towards strengthening of the institutional competence is captured in Table 3 below.

Table 3 Key Findings: Competence

| | |
|---|---|
| Overall Rating: 2 - Conforms to some elements, significant improvements needed | |
| Identified Assets | <ul style="list-style-type: none"> • Generally experienced staff • Establishment of M&E Function • Donor support for key functions |
| Critical Challenges | <ul style="list-style-type: none"> • Little awareness/focus on long-term vision • Lack of focus on organizational planning • Ineffective communications across organization • Unclear lines of responsibility/authority • HQ-field relationship weak • Insufficient admin procedures/processes • Little systematic investment in capacity (staff/equipment) • Low staff morale; no accountability/rewards system in place |

Staff Recruitment and Assignments

| AREA | Staff Capacity |
|----------------|--|
| ASSETS | <ul style="list-style-type: none"> • Growing elections management experience • Clear commitment of staff to the NEC's vision, mission and service. |
| MANIFESTATIONS | <ul style="list-style-type: none"> • Lack of systematic staff development • Unrealistic expectations regarding skills development • Linking capacity development to performance |

The bulk of NEC staff interviewed (72%) started work in elections in the last 10 years and the majority of those have been with the Commission for at least 5 years. This represents a core of staff upon which the Commission can grow. However, when one reviews the experience levels within the Commission it is evident that few of these individuals have remained in the same positions for any significant length of time. With the exception of a few specialized recruitments in recent times, many staff members joined in one position and have undergone one or multiple transfers to other positions over the years. For example, one may be recruited in one department as a deputy director, and be transferred to two other departments as departmental head over a 5-year period. Similarly one staff member started in as a Janitor, progressed to Training and ended up as a Logistics-specialist. Shifts such as these appear common within the Commission, resulting in many generalists within the NEC and very few experienced specialists. Though not necessarily a weakness *per se*, it requires appropriate skill sets and capacity building in the new portfolio, which has not clearly been evident, except for on-the-job learning. A secondary result is an inconsistency regarding appropriate qualifications associated with positions, except for the experience developed in a particular portfolio over time. With the pressure of routine elections dominating the institutional context, a haphazard approach has developed to organizational planning. This has resulted in unclear lines of responsibility and multiple draft policies never being finalized, weak coordination among departmental units, and gaps emerging in the investment of capacity with regards to both staff and equipment.

Professional Development

| | |
|----------------|--|
| AREA | Lines of responsibility for functions |
| ASSETS | <ul style="list-style-type: none"> • Institutional capacity is a key strategic pillar • Close relationship between BOC and Secretariat |
| MANIFESTATIONS | <ul style="list-style-type: none"> • Ineffective communication across NEC • Unclear lines of responsibility and authority within HQ, as well as HQ and field offices |

In recent years the NEC, in conjunction with international partners, has embarked on a number of trainings involving the internationally renowned BRIDGE elections curriculum as a means of developing staff capacity. These trainings, in conjunction with the growing experience in elections management, have bolstered the institutions in terms of its capacity building programs. However, these trainings have not been part of a systematic staff development program to grow staff beyond the basic exposure, and have only in part assisted in building the confidence of staff in the delivery of their professional functions. Areas where this has seen success is in core areas such as candidate nomination, where work now takes place with little or no support from international partners¹. Furthermore, such training needs to be segmented according to job responsibility such as different training for the Board of Commissioners, Secretariat leadership, mid to junior staff and field offices. With the basic structure in place, performance standards need to be agreed upon and where there are shortcomings, staff development needs considered attention. Incentivizing staff through a functional performance management system could also help, as well as holding them accountable for performance.

Coupled with this, however, is the fact that staff need to develop in-depth skills sets and care should be taken to reduce the amount of transfers between departments, so that these skills and experience can be developed. A clear linkage between job profiles and that of recruited individuals needs to be done to ensure that skills-sets match job requirements. While many possess the necessary skills set to deal with basic office administration, increases in the use of computers and other ICT tools in various administrative show this to be an area that will require attention in future, in order to keep abreast of modern office automation. This is an area that external stakeholders also commented on, especially within the context of voter registration and the potential challenges that biometric voter registration will hold in future. NEC will

¹ Previously in 2011, the United Nations peacekeeping mission (UNMIL) was responsible for this function.

therefore have to give attention to its focus on specific skills development per job function, as well as electoral areas such as voter registration.

A number of staff members interviewed commented on the need for study tours and additional training. In particular, staff placements in other commissions were identified as a core part of capacity building ‘wish lists’. Staff wish lists are also identified in the training needs analysis. These are not necessarily related to required or analyzed skills for a portfolio, but self-identified training needs. Such ‘wish lists’, which for example refer to multi-month placements, appear out of step with the electoral timeline towards the 2017 elections, as well as the current financial limitations facing the Commission. While such requests indicate a great willingness to learn from others, they represent unrealistic mechanisms by which this can be achieved. Donor partners might well assist in identifying short strategic placements of no more than two weeks, as well as further capacity building programs associated with targeted BRIDGE courses that can be built on the foundational courses already run, as well as bringing in regional expertise from other West African countries to assist where needed, with an emphasis on skills transfer or ‘twinning’ of institutions. Clear goals structured in individual performance measurements will go a long way in leveraging staff commitment to NEC’s vision, mission and a significant willingness to service the electorate of Liberia. Linking the growing need for specialist capacity building will be an important step in consolidating and strengthening NEC’s staff capacity.

Internal Governance

| | |
|----------------|---|
| AREA | Planning and Coordination |
| ASSETS | <ul style="list-style-type: none"> Elections-related planning of known processes is strong Establishment of important M & E and internal audit functions |
| MANIFESTATIONS | <ul style="list-style-type: none"> Lack of focus on organizational planning Insufficient administrative and procedures processes Inadequate coordination of activities |

Improvements in staff capacity inevitably are closely linked with institutional effectiveness. Currently the NEC has importantly identified institutional capacity as one of its five (5) pillars of its current strategic plan. In doing so, it has acknowledged some of the shortcomings that limit institutional effectiveness. Key amongst these is the fact that the lines of responsibility between the Board of Commissions and the Secretariat headed by the Executive Director are not clearly defined. Consequently, there are very uneven approaches to communication and implementation within the NEC. Different departments have indicated very different approaches towards internal

governance, with; in some cases; the lines between policy and implementation being very clear and in others; the lines being significantly blurred.

In practice what this means is that some Oversight Commissioners are directly involved in the day-to-day decision-making of departments, whilst in others they are not. This results in a tension in implementation as staff appear torn between directives given by the Board of Commission and those given by the Executive Director. Whilst many of those interviewed commented on this tension, it is clear that these variances are not perceived by political parties or civil society, who continue to view the Commission as a single entity from outside. However, the resultant confusion over reporting lines will not bode well for the intense cauldron brought on by a pressurized election.

An awareness exists within both the Board of Commissioners (BOC) and the Secretariat that this tension results in ineffectiveness, but a suitable approach has yet to be outlined to resolve clear roles and responsibilities. Within the Secretariat, there also exists some unevenness as regular meetings appear to have been disrupted by the December 2014 elections. Re-establishing such meetings will also require a greater focus on result based management and regular monthly reports to the Executive Director and the BOC. Improved project management and internal electronic communications will go a long way to improving effectiveness. Ultimately, perceptions of interference vs. oversight need to be ironed out sooner rather than later in order for a clear chain of command and delineation of roles to function ahead of the 2017 elections.

Planning and Coordination

Planning, in particular long term planning, and coordination of large-scale events such as elections are key to successful elections. While the elections-related planning and coordination is strong, it should be noted that the administrative component of the NEC is less so. Meetings appear infrequent, with some predictability in the operations division, but none so in the Commission's administrative division. No one that was interviewed had seen an annual work plan for the entire organization, though an elections-related operation plan appears to be crafted when an election nears. However, by and large, during non-election periods, sections and departments compile their own plans and activities. Some of this culture is based heavily on the availability of funds. During election time, planning is far more prevalent, but during non-election time planning is driven by the availability of donor funding. This stop-start funding and planning culture is not unique to the NEC, but it seriously impacts on the Commission's ability to coordinate its work efficiently. Whilst advocacy regarding more consistent funding will be a constant responsibility of the Board of Commissioners, it is also incumbent on the Secretariat to compile feasible operational plans that can dovetail with both donor funding and international partners. Several of those interviewed spoke of responding only when advised by the Commission's Finance Committee, demonstrating the finance-based planning culture of the Commission, as opposed to strategic direction.

Part of the planning process is the predictability brought on by clear administrative policies, procedures and processes. Significant investment needs to be made by the Commission’s administrative division to ensure that functions such as human resources planning, recruitment, and deployment policies and processes are strengthened by adopting proactive human resource development planning, human resource succession planning, merit-based approach recruitment, and performance management principles and practices within the organization are sufficiently strengthened. This is evidenced in the Administrative Manual, which requires final approval and implementation. This is particularly necessary, as no clear plans have been put in place for major electoral events such as a possible referendum in 2016, or voter registration ahead of the 2017 elections. One of those interviewed indicated that they saw the 2017 elections to be one of the most difficult elections to ever be conducted by this Commission as there is still too much bureaucracy in getting election funds from the Government of Liberia, especially the timely disbursement of funds. Some of the other challenges cited were long distances between voting precincts, lack of coordination among Commissioners to commence earlier preparation, and lack of proper preparation for referendum and 2017 election.

Both the Monitoring and Evaluation (M&E) and Internal Audit functions are critical assets that the NEC needs to leverage to improve its planning culture. Monitoring and evaluation can help build up important matrices regarding performance and in the process help identify weaknesses in the functioning of the Commission. Similarly, internal audits can seek to track and monitor financial implications of planning and implementation against institutional targets as well as compliance-related measures. The introduction of a culture of performance monitoring can significantly assist in improving institutional effectiveness, moving away from simple reactivity to more holistic planning, and implementation against these plans.

Relationship with Field Offices

| AREA | HQ-field Relationship |
|----------------|--|
| ASSETS | <ul style="list-style-type: none"> • Experienced HQ and field staff • Legal framework allows for dispute resolution in field |
| MANIFESTATIONS | <ul style="list-style-type: none"> • Over-centralization of activities • Low staff morale • No accountability / rewards system in place |

The staff numbers between headquarters (about 197 staff members) and the 19 field offices (about 97 staff members) are weighted heavily in favor of the Monrovia-based headquarters. It is evident that some of the Commission's most experienced election managers are found in their field offices. However, communications and operational field plans appear to be on a very much on a needs basis. Field staff, during non-election times, appears largely dormant and dependent on Monrovia-based plans and coordination. The lack of operational funding is largely blamed for this lack of activity during non-election times. Sadly, political parties articulate this as such, as well as from the field-based magistrates and headquarters staff. Efforts to compile plans in the field appear to come to naught.

The relationship between headquarters and the field offices has resulted in low field staff morale, as they are perceived as 'foot soldiers', forgotten when elections have been concluded. Whilst headquarters may be aware of these sentiments, the ability to address the issue of field morale appears limited. Succession plans in headquarters appear not to factor in field staff, and efforts to redeploy staff ahead of the last elections appear not to have considered repatriation after the elections, resulting in increased levels of frustration. Poor communication results in decision-making at the exclusion of field staff and their considerations. Magistrates interviewed cite hearsay as the key source of information regarding upcoming developments, such as possible plans to divide magisterial areas into zones with supervisors not under the control of the magistrates, the centralized training of presiding officers and facilities around the country not being properly secured. The training of polling officials has been a core traditional function of the Magistrates and any major changes in this process may demoralize the Magistrates. Political parties would like to see Magistrates being active in civic education initiatives in the counties during non-election times.

While Magistrates perform a critical role in the operational effectiveness of election management, they have an equally important legal role in dispute resolution. However, political parties are concerned with the Magistrates' adjudication role, particularly when they must decide on complaints brought against the Commission or the Magistrates themselves. Several stakeholders called for an independent dispute resolution body such as an electoral court or tribunal, which is also in keeping with the Commission's Strategic Plan.

Magistrates clearly articulated their training needs in this regard, focusing on election dispute and litigation training, as well as training for logistics staff in the counties and additional BRIDGE trainings specific to their job functions and career development as election professionals. Political parties echo this sentiment on dispute resolution with references to adjudication training, especially on electoral complaints or disputes in order to know how to adjudicate cases within their assigned county to avoid relying on Hearing Officers. Integrating such training into a performance management system for Magistrates could assist in improving accountability, performance and commensurate rewards.

Strategic Plan

| AREA | Strategic Plan |
|----------------|---|
| ASSETS | <ul style="list-style-type: none"> • Strategic Plan in place • Donor commitment to key areas |
| MANIFESTATIONS | <ul style="list-style-type: none"> • Limited awareness of Strategic Plan • No monitoring of implementation • Key dependencies not factored in planning |

The NEC’s Strategic Plan covers the years 2012 to 2018; however, this document appears to be relatively unknown beyond the Commission’s most senior top management. Not a single Director, Magistrate, civil society member or political party representative interviewed indicated ever having seen it. The Strategic Plan is not available on the Commission’s website, and the EPD-team only had access to a second draft. The Electoral Law s11.3 (a) requires the annual publication of an updated strategy with an annual plan along with budget. As the Strategic Plan is more than halfway through its implementation phase, this represents a serious omission by the Commission.

It is clear that the Strategic Plan is not used as a monitoring mechanism and therefore does not serve as a critical yardstick for the Commission’s performance. No review of the Strategic Plan has been carried out since it was created. There is therefore an urgent need to do a mid-term review the Strategic Plan as soon as possible. Furthermore, NEC staff appear to be working within a vacuum, as many have no idea as to how their day-to-day activities tie into the Commission’s vision and mission. The absence of an annual work plan exacerbates the gap that exists. The Commission’s *modus operandi* therefore appears to be one based more on reaction, rather than strategic direction. It is apparent that the Commission’s M&E plan, based on a matrix of results and indicators tied to specific objectives in the Strategic Plan, is close to finalization. Matching the mid-term review of the Strategic Plan and the M&E plan will potentially form an invaluable milestone in the Commission’s evolution.

The Strategic Plan factored in the major upcoming electoral events that are scheduled, such as the possible referendum, voter registration update and the 2017 elections. However, with these events approaching, there is an urgent need to develop a plan with contingencies. In particular there is a need to consider the voter registration system, whether to maintain the existing approach or explore new initiatives. Any new technology will require increased lead-time, testing and capacity building ahead of any rollout. A key dependency not factored into future electoral activities, at the time of writing of this report, is the withdrawal of the United Nations Peacekeeping Mission (UNMIL). UNMIL was instrumental in the conduct of voter registration, nomination

of candidates and distribution of polling kits across Liberia in 2011. It is with regards to the latter, that the Commission will face serious logistical challenges in remote 'hard to reach' areas in 2017 and beyond. This will require a serious consideration in the foreseeable future.

Additional Considerations

| | |
|----------------|---|
| AREA | Availability of equipment and infrastructure |
| ASSETS | <ul style="list-style-type: none"> • Past experience in field communications • Specialist departments in place |
| MANIFESTATIONS | <ul style="list-style-type: none"> • Sporadic and uneven funding disbursement • Ineffective investment in communications • Departmental effectiveness unexplored |

Improved competence relies on the availability of supporting infrastructure and equipment. Sporadic and uneven funding disbursement creates severe problems in providing and maintaining adequate supporting infrastructure and equipment warranted by the NEC. Political parties also identified this as an area of improvement, realizing that it impacts negatively on the Commission's ability to uphold its legal mandate. It is clear that the Government of Liberia only focused on elections-related funding when it nears an election itself. Outside that window, the Commission relies heavily on donor funding and international assistance partners for project implementation. This obviously sways projects towards the priorities of the donors and partners, and away from the Commission's own strategic initiatives.

The funding shortages are most acutely felt in the field offices' communications infrastructure. The Commission has a strong history of keeping contact with the 19 county offices via VHF radios across Liberia. Whereas mobile phone technology has become much more prevalent, the availability and consistency of such signals is sporadic or even non-existent in some areas. Although internet access does exist, it is considered too expensive and efforts are afoot to consider cheaper, yet accessible options. Dependence on VHF radios is therefore non-negotiable. Despite the long history of usage, functional radio equipment however currently appears rare within the Commission, as no funds exist to maintain the past infrastructure. This has placed severe limitations on the Commission's field offices, as well as general communications, reporting and programming that can take place.

Equipment and infrastructure shortages do not only hamper operations in the counties; several headquarters staff complained about the lack of basic photocopying equipment, as well as software and hardware to properly do their work. For example,

GIS software currently operates in a “demonstration” mode and requires reinstallation when it expires after 30 days. Because demonstration software has limited functionality, all maps have to be printed off-site through a private vendor. The IT unit’s ability to provide business intelligence is therefore limited and largely unexplored. While several departments spoke of the need to increase automation of daily tasks with regards to computerization or equipment provision, it is unclear where funding for such initiatives will come from. Care needs to be taken regarding the maintenance schedules associated with such purchases. This is particularly true when considering that the voter registration system is dated and may require new or different technology or approach to registering voters, or a major investment in the maintenance of the current system, to ensure all equipment is functional and adequate to the Commission’s needs.

Recommendations

1. Clear job descriptions, performance goals and training needs need to be developed as realistic capacity building plans segmented by audience or hierarchy such as specific training for the Board of Commissioners, Secretariat leadership, mid to junior staff and field offices. The foundation of existing experience within the staff, rudimentary training needs analysis and past BRIDGE trainings provide a good foundation upon which this can be built. Consistency in the governance, reporting, accountability lines and a performance management system needs to be developed and streamlined. Establishing performance goals will ensure that these correlate with the vision, mission and strategic goals of the NEC and help bring some consistency regarding governance.
2. Improved planning, budgeting and coordination of major electoral events need to take place as with some haste. Plans, based on different scenarios, need to be compiled for the voter registration and a possible referendum. The monitoring of performance against all plans needs to be put in place and implemented.
3. Processes and procedures described in the Administration Manual must also be implemented to streamline coordination between different departments.
4. Departments such as the GIS function should be used to contribute both to planning and monitoring of implementation.
5. Improvements in the HQ-field relationship, along with communications infrastructure, needs to be tackled as a matter of urgency. Field staff members should be consulted and engaged with regards to planning and policy matters to ensure buy-in and coherence in the implementation stages of operations. An in-depth investment in the capacity of Magistrates should be done, especially with regards to dispute resolution.
6. A NEC Resource Acquisition and Asset Management Plan must be compiled to improve, increase and maintain Commission equipment and infrastructure.

The NEC will then need to advocate for or raise funds for such a resource plan with clear prioritization in mind.

7. NEC’s Strategic Plan should be reviewed as a mid-term review process and widely disseminated internally and externally. Develop a process that allow for public and stakeholder feedback to be integrated into the strategic planning process, thereby activating important constituencies for awareness and advocacy purposes.

IV. INCLUSIVENESS

In the EPD methodology, the analysis of Inclusiveness measures the extent to which the EMB has policies, procedures, and initiatives in place to engage electoral stakeholders as much as reasonably possible in electoral processes. This includes both the development of electoral policies and procedures, as well as physical access to locations and documentations, such as voter registration centers and voter registration data. The Inclusiveness analysis also measures the extent to which the EMB takes steps to provide opportunities for electoral participation for generally marginalized groups, as well as providing opportunities for these groups to play permanent or temporary roles within the EMB.

Analysis of Inclusiveness for the NEC’s general management of the electoral process indicates that while some steps have been taken to engage electoral stakeholders and to focus on Liberia’s marginalized populations, it faces some significant challenges in conforming to this electoral principle. These challenges relate to both of the key elements of inclusiveness: active and constructive engagement with electoral stakeholders, and the institutionalization of effective mechanisms to provide opportunities for marginalized populations in the electoral process. The key takeaways from the Inclusiveness analysis are presented in Table 4 below.

Table 4: Inclusiveness Key Findings

| | |
|---|--|
| Overall Rating: 2 - Conforms to some elements, significant improvements needed | |
| Identified Assets | <ul style="list-style-type: none"> • Established mechanism for EMB-political party interaction • Established Gender Liaison unit • Limited engagement with civil society |
| Critical Challenges | <ul style="list-style-type: none"> • Inclusion generally not a high priority internally and externally • Sporadic consultations with political parties • Limited focus of engagement with civil society • Under-resourced gender unit • Little focus on other marginalized groups |

The analysis finds that while the NEC has the Gender Liaison unit and IPCC in place to foster inclusivity inside the NEC as well as in the electoral process, these assets are not being fully utilized to generate the level of inclusivity desirable for electoral institutions and the electoral process in general. Furthermore, the analysis finds that the NEC should build on existing initiatives to establish broader inclusivity not only in Liberia’s electoral process, but also within the NEC itself, and especially with an eye on ensuring that policies are in place to promote gender balance and opportunities for persons with disabilities in the Commission. The critical areas where the NEC faces challenges in terms of inclusivity, and the assets it can bring to bear to address these challenges, are presented below.

The NEC has two significant assets to promote inclusion in the electoral process, and specifically in its management of the process. The NEC’s Gender Liaison unit is charged with developing programs to enhance the participation of women in various roles in the electoral process (e.g., voters, election officials, candidates, etc.). Furthermore, the NEC’s Strategic Plan recognizes gender inclusion as a component of its strategy under the five-year Strategic Plan. These two elements are critical assets that the NEC should be able to leverage in order to focus on inclusion in its management of the election process. However, the analysis finds that a lack of financial and technical resources, as well as a lack of sustained focus on inclusion issues, has resulted in a lack of progress.

| | |
|----------------|---|
| AREA | Inclusion of Marginalized Groups |
| ASSETS | <ul style="list-style-type: none"> Established Gender Liaison unit Strategic focus on inclusion |
| MANIFESTATIONS | <ul style="list-style-type: none"> Under-resourced Gender Liaison unit Lack of systematic internal focus on gender inclusion Little systematic focus on inclusion of Persons with Disabilities |

Gender Considerations

Three people, including the Director; who has been leading the unit for less than a year; staff the NEC’s Gender Liaison unit. The unit has developed a multi-year operational plan to advance several elements of gender inclusion leading up to the 2017 general elections. However, interviews with several people inside and outside of NEC indicates that the unit is under-resourced and has a shortage of personnel,

equipment, and funds to effectively implement its operational plan. There is also limited and sporadic capacity-building of the staff that does work on gender issues, an issue that is especially important because some believe that current staff may lack specific skills and knowledge to address gender inclusion and, hence, effectively implement the operational plan. To be sure, these shortages may be related to the overall impacts of the uncertain budgetary environment under which the NEC operates. But interviews with stakeholders also indicate that while NEC leadership has included gender inclusion as a point of focus for its strategic plan, there is a lack of systematic focus on this issue and that there is a lack of buy-in in senior leadership for sustained efforts. There is particular frustration with the lack of support for efforts focused on gender inclusion between elections. Thus, the three key issues facing the NEC in pursuing a systematic approach for gender includes is a shortage of financial and technical resources, as well as consistent commitment on this issue from senior leadership.

Interviews with stakeholders also reveals that the NEC lacks a systematic approach toward addressing gender inclusion within the organization in terms of both permanent and temporary staff working for the NEC. On a positive note, 3 of the 7 commissioners are women as are 5 of the 12 department heads in the NEC. There are also a significant number of women working in the NEC in Monrovia, although it is not clear how many women work in the Magistracies as permanent or temporary staff during registration and elections. The NEC also encourages women to apply for all positions that are publicly posted. Still, there is no systematic policy that addresses gender inclusion in NEC staffing and there is no effort to develop a policy of this type. While it is encouraging that even without such a policy women do still make up a significant percentage of staff in Monrovia, it is not clear that this extends down to sub-national levels and the lack of a specific policy makes it difficult to obtain data that could help electoral stakeholders address this issue.

Persons with Disabilities

The lack of sustained focus extends to inclusion of Persons with Disabilities (PWDs) in the electoral process. PWDs make up 16% of the country's population according to the last census in 2008, and active electoral participation by this population requires focused initiatives to ease access to the electoral process. While the NEC has a focal point in senior leadership on gender issues, this focal point does not exist in senior leadership on PWD inclusion and there is also no unit or sub-unit of the organization specifically charged with this responsibility. Interviews with stakeholders also suggest that the NEC's efforts for PWD inclusion in the 2005 election through braille card readers has not been repeated for subsequent elections. Interviews with civil society actors and others also reveal that there is not a focus on making polling stations accessible for persons with physical disabilities or the elderly, and that polling station locations entailing a great deal of distance traveled for many voters also impacts participation of PWDs in the electoral process. These findings suggest that the NEC

does not have any systematic organizational approach toward the inclusion of PWDs in the election process in Liberia, at either the policy or operational levels.

Political Parties

| | |
|----------------|--|
| AREA | Inclusion of electoral stakeholders in all phases of electoral process |
| ASSETS | <ul style="list-style-type: none"> Established mechanism for political party consultations Regular engagement with civil society |
| MANIFESTATIONS | <ul style="list-style-type: none"> Political parties not consulted on all aspects of electoral process Civil society primarily engaged as service provider, not for consultations and feedback |

The NEC has a somewhat bifurcated approach when it comes to inclusion of political parties and civil society in key elements of the electoral process, with much more systematic engagement with political parties than with civil society. In terms of engagement with political parties, NEC has a coordination role in the Inter-Party Consultative Committee (IPCC) as a means of collaboration and consultation with parties. Interviews with political parties indicate that they see the IPCC as a useful forum for consultations with the NEC where they can engage on important issues in the electoral process. Interviews with NEC officials also suggest the same, with the NEC seeing the IPCC as the key forum through which to engage with parties. The NEC is also playing a positive role in the institutionalization of political parties by establishing and enforcing regulations for the establishment and functioning of political parties. While political party representatives have positive views on these types of engagement with the NEC, they neither believe that the current level of engagement provides enough opportunity for them to engage the NEC on important parts of the election process nor that the NEC actually seeks this engagement. One example provided was that of draft modifications to the electoral code. While political parties said that the NEC had shared the modifications with them at an early stage and sought their feedback, they have not been engaged on subsequent developments. Recruitment of election officials at the local level and election dispute resolution are two other areas where political party representatives believe that the NEC should solicit input from political parties. Political party representatives generally voiced the view that there would be more constructive engagement with the NEC on electoral issues if the IPCC meetings were held regularly, rather than ad hoc.

Civil Society

While there is a mechanism for NEC engagement with political parties, no such systematic facility exists to engage civil society organizations (CSOs). Furthermore, the nature of the NEC's relationship with civil society is significantly more transactional in nature than the more collaborative approach it takes with political parties. The NEC's engagement with CSOs is largely limited to their use for voter and civic education in the electoral process. This relationship seems to be one of convenience for the NEC because civil society provides access to community and grassroots structures that the NEC cannot easily tap because of its limited presence outside Monrovia in non-election periods. NEC officials in different departments and at different levels did not voice any significant desire to extend relationships with civil society beyond what currently exists. Civil society representatives, on the other hand, voice significant frustration about civil society's relationship with the NEC, and believe that the NEC is not taking advantage of the significant insights that civil society can provide in different parts of the election process from election observation to recruitment of local officials. The Elections Coordinating Committee (ECC) represents an established coordinating mechanism for civil society, but the NEC plays no systematic part in the ECC similar to what it plays in the IPCC. Characteristic of civil society's frustration with this aspect of its relationship with the NEC, one civil society representative flatly stated, "A service agreement is not a partnership". Given the NEC's limited presence in the field, it would seem advantageous to the NEC to develop more sustainable relationships with civil society to support its efforts between election periods, and to provide more opportunity for constructive engagement in areas where civil society can bring informed insights and analysis.

While the NEC engages both political parties and civil society, the dissimilarities in engagement means that the NEC does not effectively leverage the insights and feedbacks civil society can provide. A reconsideration of the relationship with civil society and how the NEC can put in place fora where more systematic engagement with civil society is possible should be priorities for the NEC. While the NEC's inclusion of political parties is somewhat satisfactory, it could be strengthened further. NEC inclusion of civil society, on the other hand, is very limited and should be significantly strengthened to ensure that civil society plays a key consultative role in the election process in Liberia.

Recommendations

- I. Sustained focus on inclusion through initiatives to mainstream gender and PWD inclusion in all electoral processes. Capacity building of staff in gender section should be a priority for the NEC.

2. Commitment at leadership levels to gender inclusion can be demonstrated through initiation of a policy review and inclusion mapping process that identifies needs and challenges in terms of gender mainstreaming in NEC policies and processes. Suggested courses of action to address these needs should be monitored over time. The Gender unit should play a leading role in this exercise.
3. Take steps that lead to the establishment of point person, unit, or sub-unit focused on electoral participation of PWDs, as well as resources to ensure that electoral participation of this population is appropriately addressed for future electoral events. Similar to gender inclusion, an initial review of policies and processes can provide important feedback on steps needed to advance PWD inclusion and mainstreaming in NEC policies and processes.
4. Consider establishment of regular forum to engage with civil society on electoral issues, similar to IPCC. Take steps toward establishment of policy that regards civil society as more than service partners. An initial step may be to formalize NEC participation in the ECC as a platform for civil society to provide its insights on important electoral matters to the NEC.

V. SUSTAINABILITY

A permanent electoral management body such as the NEC has to continually strive to develop internal capacity, procedures, and culture to ensure that it can maintain its standing as a trusted body responsible for effectively managing a democratic electoral process. Efforts to enhance the institution's sustainability should focus not only on the impartial administration of the election process, but also on ensuring that internal management results in processes that protect the financial integrity and professional readiness of the institution, and position it to address the many unanticipated challenges that can emerge.

Strategic Plan

A key benchmark for how the NEC addresses sustainability is the strategic focus on institutional capacity, and the core action areas identified to strengthen institutional capacity and long-term sustainability. As has been stated elsewhere in this analysis, there is little awareness of the Strategic Plan within the organization and its limited links with operational planning. This directly impacts sustainability, as staff do not have a good understanding of the steps that their leadership believes are necessary to develop capacity of the institution. This has implications for the ability of the institutions to address both anticipated and unanticipated events. Table 5 below provides key findings from the analysis of sustainability below.

Table 5: Sustainability Key Findings

| Overall Rating: 3 - Conforms to an acceptable level, improvements needed | |
|---|---|
| Identified Assets | <ul style="list-style-type: none"> • Strategic Plan crafted (2012-2018) • Internal audit department, central warehouse facility in place • Experienced staff, particularly mid-level management |
| Critical Challenges | <ul style="list-style-type: none"> • Emerging issues and organizational challenges not being sufficiently addressed, including organizational capacity • Lack of systematic approach for linking strategy and action to strengthen institutional capacity • Less than optimal internal financial controls and monitoring |

The analysis of sustainability identifies some key assets already in place that can be leveraged to ensure the institution is orienting its policies and approaches for long-term success and robust institutionalization. The NEC’s Strategic Plan expresses its vision and priorities through 2018. In addition, it has an experienced cadre of staff in key departments capable of managing needed change within the organization and for the electoral process. Further, it has key departments in place that, if given appropriate support, can work to strengthen the organization’s financial and operational sustainability. However, none of these assets is being exploited with the requisite intensity to support initiatives which could bolster the NEC’s operational and financial sustainability. , The NEC has not effectively used its Strategic Plan as a basis for bringing about needed change, and functions such as internal audit are not providing their full potential value. This challenge is further exacerbated by the fact that in the lead-up to the 2017 elections, the NEC is likely to lose the critical infrastructure and logistical support that UNMIL provided for the 2011 elections. The NEC is losing this support at a time when it is contemplating introducing a Biometric Voter Registration (BVR) process for the 2017 elections, and may be faced with organizing a constitutional referendum before the 2017 elections.

| | |
|-----------------------|--|
| AREA | Insufficient addressing of emerging issues and long term vision |
| ASSETS | <ul style="list-style-type: none"> • Strategic Plan crafted |
| MANIFESTATIONS | <ul style="list-style-type: none"> • Strategic Plan not linked to actions • Little planning for possible referendum • Loss of UNMIL support before referendum and general elections |

The NEC's Strategic Plan identifies institutional capacity as a key pillar for its mission of delivering free, fair and credible elections in Liberia. The NEC has identified several actions for institutional capacity strengthening. This assessment finds, however, that most of the issues identified for action have not been adequately addressed since the Strategic Plan was issued in 2012. Many of these issues, such as better internal communications and a clear governance structure, are essential for the NEC's sustainability, but interviews with staff indicate that these issues continue to be impediments for effective management and operations. Moreover, there does not seem to be any systematic effort in place to ensure that the core actions identified in the Strategic Plan are implemented. For example, there is no monitoring mechanism with regularized, periodic implementation progress reporting. As mentioned elsewhere in this report, there is also little awareness of the Strategic Plan either within the NEC or among electoral stakeholders, thus making it difficult for NEC staff to identify and understand institutional priorities.

Future Operational Challenges

The NEC may also be impacted by foreseen and unforeseen developments in the electoral process that are likely to pose significant challenges to its operational capacity. The most significant of these is the possibility of a 2016 constitutional referendum currently discussed, which would require extensive voter education in order for Liberian voters to understand the nature of the proposed changes. Interviews with NEC staff indicate that there has been little discussion on planning for the anticipated referendum, including the attendant operational and logistical challenges. There has been some recent movement on this issue by NEC leadership, but these discussions should soon engage mid-level and other staff to ensure NEC can prepare for the possibility of a referendum.

The UN Security Council has passed resolution 2215 in April 2015 calling for the Government of Liberia to assume all security responsibilities from UNMIL by June 30, 2016. This resolution also calls for a phased drawdown of UNMIL military and police personnel throughout 2015 and 2016. Given this decision, it is unlikely that UNMIL will be able to provide support for transportation of electoral materials and other significant logistical support that the NEC received for the 2011 and 2014 elections. As such, the NEC will face significant logistical and operational challenges in 2016 / 2017. While the referendum's date is still to be decided, the loss of logistical support from UNMIL is definitely going to impact the NEC's planning for the October, 2017 general elections and, as such, is an issue for which NEC has to start developing alternative plans. The NEC has consulted with the Liberian military on logistical support, but cost is an impediment for the relationship and from the interviews, it is not clear what other plans are being considered for the logistics of the 2017 election.

One final development that may impact the NEC’s operational capacity is whether the NEC adopts a Biometric Voter Registration (BVR) process leading up to the 2017 elections. A move toward a BVR system has obvious technological, logistical, and operational challenges, and there is recognition within the NEC that issues such as staff training (both permanent and ad hoc), equipment procurement, and voter education will be extremely important if BVR is adopted. While the NEC has studied BVR systems utilized in other countries in its decision-making phase, it has not yet considered detailed analysis of initiatives necessary to make BVR actionable and the impact this will have on internal processes.

Internal Audits

| | |
|----------------|--|
| AREA | Development of audit, financial and asset management capacity |
| ASSETS | <ul style="list-style-type: none"> • Internal audit function recognized as key part of organization • Strategic Plan established importance of non-election years • Central warehouse facility is operational |
| MANIFESTATIONS | <ul style="list-style-type: none"> • Audit function not fully leveraged • Financial systems not aligned for real-time monitoring and reporting • Facilities management |

The NEC’s Strategic Plan recognizes the importance of actions impacting financial and operational sustainability with respect to emerging institutional needs and protecting its integrity. To this end, the NEC’s Strategic Plan identifies strengthening the independence of the Internal Audit unit as one of the core actions needed to build institutional capacity. There have been several steps taken to strengthen the Internal Audit unit, including development of an audit manual and defined procedures for pre and post-transaction audits of procurements. However, other steps necessary for sound financial practices have not been adequately addressed. Interviews indicate that there have been recommendations for enhanced procedures based on previous audits, but that no action has been taken to address these recommendations. Procedures to allow the Internal Audit unit to conduct spot audits have also not been approved, and there is also concern about the BOC’s interference in the day-to-day audit function. These findings indicate that while the NEC has taken positive steps to strengthen the internal audit function and that there is a professional team in place for this function, challenges remain related to overall governance issues which negatively impact the audit function. While the audit function is able to implement day-to-day processes that

monitor the procurement process, important policy issues that the internal audit department highlights are not being adequately addressed.

The internal audit function is closely linked to the financial management and facilities management functions at the NEC, and the analysis found some shortcomings in these areas that impact the NEC's financial sustainability. The chief challenge faced by both of these units is the lack of appropriate software to ensure optimal monitoring of the NEC's finances and physical assets. This does not imply that the NEC does not adequately monitor these resources, but does suggest that it could do so better and in more of a real-time environment. Most of the financial reporting is still manual (although checks are now machine generated) and there is a monthly reconciliation process, but this is not felt to be adequate for day-to-day monitoring of the NEC's finances. In terms of facilities management, there is a central warehouse facility where assets procured are meant to be processed and recorded. This is the case for most procurements, but there is a lack of sufficient communication between the Facilities Management unit and the Procurement and Logistics units, which results in many assets not being recorded and monitored. Facilities Management also lacks appropriate software for accurate coding of assets, and the online software that has been procured is not functional most of the time due to internet access issues.

Recommendations

1. The NEC should initiate a mechanism whereby progress toward achieving strategic objectives outlined in the strategic plan can be systematically monitored. Appropriate actions need to be taken to ensure that core elements, deemed necessary for achieving the NEC's strategic vision, are being addressed. This effort will not only require attention from senior ranks of the NEC, but should also involve involvement of staff at all levels of the organization. A key first step should be to familiarize staff and electoral stakeholders with the strategic plan.
2. Contingency planning for a possible referendum in 2016 / 2017 should be prioritized, with both financial and operational needs clearly identified for relevant electoral stakeholders and for internal decision-makers. There is also a need for acceleration of decision-making on alternatives to UNMIL logistical support for future electoral events to ensure that planning and implementation challenges can be addressed in a timely manner. A coordinated approach involving the NEC, UNMIL, and Liberian military can aid in identifying key areas of collaboration and capacity building for logistical support for elections.
3. Supporting the continued evolution of the internal audit function to one that provides advisory as well as operational services to strengthen the integrity of the procurement function in the NEC. An important area of focus should be maintenance of independence for the internal audit unit.
4. Focus on procuring and effectively implementing appropriate software solution for financial and facilities management.

Annex I

Liberia National Elections Commission Organizational Chart

