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### **Special Request from the Grassroots Alternative Movement (GAM) to Postpone the 2020 Referendum**

Mr. President Pro Tempore and Distinguished Members of the Liberian Senate:

We have the honor, most respectfully to present to you and members of the Senate of the Republic of Liberia, profound compliments of the Grassroots Alternative Movement (GAM), hoping that this request meets you all in good health.

The Grassroots Alternative Movement (GAM) as a registered institution, is a social justice, political and advocacy organization committed to building a just society in Liberia with the tenets of fair play, equality and justice. GAM is committed to fostering patriotism, good citizenship and productivity for the overall welfare and good image of Liberia.

Mr. President Pro Tempore, Distinguished Members of the Senate, GAM writes to request the Honorable Senate to postpone the pending Referendum. GAM further requests that if the referendum is postponed, the Honorable Legislature should set up a new Constitution Committee to revise the current Constitution to meet the aspiration of the Liberian people. The reasons for these requests are as follow:

#### **I. Why the Senatorial Elections should not be combined with the Referendum?**

1. If the Senatorial Election and the Referendum are held together, the Senatorial Election will take away the meaning and enthusiasm of the referendum. The Senatorial Election is the single highest subject of national discussion at the moment. The Referendum will definitely become a side issue with very less interest. In that case, one does not have to be a Rocket Scientist to know that there will be a very low turnout for the referendum as we saw in the last Referendum that was held in 2011. As such, GAM believes that if any of those crucial Propositions passes, it will not meet the mandate of the Liberian people. Not only that, but it is also possible that none of those Propositions may even receive two-third votes as required.
2. GAM believes that the National Elections Commission (NEC) does not have the requisite timeframe to its disposal, and full capacity to adequately educate and inform Liberians, especially eligible voters on the Propositions, steps, and procedures of the Senatorial Election and the Referendum. The NEC has depended on short-term awareness and sensitization activities during electioneering periods. Although this strategy has worked to certain extent for regular elections, we believe the education associated with the Referendum is much more complicated and requires adequate preparation.
3. We're all aware the country does not have a national mechanism in place with the capacity to conduct sustained civic education, particularly teaching the Constitution in keeping with Article 10 to make citizens aware of these Constitutional matters in a way that they know their rights, roles and responsibilities to contribute to the governance of the country. Article 10 of the 1986 Constitution provides that the Constitution shall be published and disseminated with its principles taught in institutions of learning across

the country. Sadly, this has not happened and the gap therefrom, has had serious implications for governance and growth of democracy in Liberia. The entrenched voter apathy in the country is a good example, and the forthcoming Election and Referendum, if held as planned will also record a very low turnout, particularly for the Referendum.

4. It is worth noting that voting in a referendum with more than one issues such as the one pending is a very complicated process. The ballots don't carry human faces as the case in regular elections. As an issue-based election, the ballots carry symbols with corresponding scripts to identify, read and vote. With the very limited timeframe for education, information dissemination, mobilization of resources and deployment of logistics, combining this Senatorial Election and this important Referendum is impossible.
5. Forcing the Senatorial Election and the Referendum together may actually undermine the Referendum thereby defeating these crucial national decisions as enshrined in the Referendum Propositions: Dual Citizenship, Reduction of Tenure of the President, Vice President, and members of the Legislature, and the Date of Election. If we insist on holding this essential national decision-making process alongside the Senatorial Election, there's a high likelihood that we will not succeed. If this Referendum is defeated as a result of low turnout or other reasons, it will be difficult to reintroduce these same Propositions for future referenda.
6. Learning from the recent past, the 2011 President and Legislative Elections that were combined with the Referendum clearly defeated the purpose of the crucial Propositions that were in the Referendum. Liberians went to the polls on August 23, 2011 to vote to amend a proposal to reduce by half the ten-year residency requirement for presidential candidates, a proposal to change constitutionally mandated general elections date, a proposal to extend the retirement age of judges from 70 to 75, and to amend a proposal that requires that elections to public office be won by a simple majority, and not by an absolute majority. Unlike the referendum, the elections attracted tremendous attention, and took away attention from the referendum and made it a side issue completely. Political parties and candidates spent almost all of their time campaigning for the offices they sought with very limited or no interest in the referendum. It was the NEC's civic education mechanism that tried to balance its education, information and sensitization campaign for both events. Probably, that was why some voters were even able to vote in that referendum. Of the total of 1.7 million registered voters, only 615, 203 voted for the referendum. The NEC tabulated and counted the votes in the referendum and announced that none of the four propositions received the required two-thirds votes of the total votes cast. That was a complete failure and waste of resources. It was only through a ruling by the Honorable Supreme Court that Proposition number four, which required election to public office to be won by simple majority to pass.
7. Ignoring the experience of the 2011 General Elections and Referendum and heading into 2020 Senatorial election and Referendum will cost the nation another round of waste of precious time and resources. Right now, we're in a better position to prevent this from happening. Currently, the Government is yet to mobilize and make available the needed financial resources for the Referendum and Senatorial Election. Although our dear partners have made some commitments to make some financial and technical contributions to the process, the application of such commitment to any portion to the Referendum will be a complete loss. Besides, no ballots have been designed and produced yet, civic and voter education materials have not been designed and produced, regional consultations with citizens on the symbols and scripts for the ballots have not been conducted, and civic educators have not been recruited, trained and deployed. The fact that these key activities have not happened, postponing the Referendum should not be an issue.
8. The proponents of holding the Senatorial Election and the Referendum argue for minimizing cost but cost of conducting these elections without proper preparation is greater. As we indicated above, we clearly saw this during the Presidential and General Elections, which were combined with the Referendum in 2011. While we cannot ignore cost, we also believe that this Referendum should not be too expensive. There are several cost-effective mechanisms including the use of technology that the Government can deploy to drive

cost down. GAM is prepared to offer assistance in this direction. Additionally, the NEC has functioning offices, storage facilities across the country and sets of digital tools at its disposal. With those logistics, digital tools and infrastructures, we should be able to significantly reduce the cost of elections including the pending Referendum if postponed. Once again GAM emphasizes that we should never run the risk of jeopardizing our democracy by holding these critical electoral processes together because of cost. They're very consequential in our quest to improve governance and revitalize the economy to better the lives of our people.

## II. Why do we need a new Constitution?

1. GAM believes that many of the governance issues we're encountering today are due to the inadequacy or inappropriateness of many of the provisions of the 1986 Constitution. For the last decade and half, there has been numerous efforts to amend a number of provisions of the current Constitution. For example, former President Ellen Johnson Sirleaf administration succeeded in undertaking and completing an elaborate constitution review process. The former President constituted a Constitution Review Committee (CRC) headed by former Chief Justice Gloria Musu Scott. The CRC meticulously conducted 73 inclusive public consultations in which about 10,000 Liberians from the 73 electoral districts and the diaspora, mainly the Republic of Ghana and the United States participated. The final report of the review consultations reveals that over 16,000 views were collated which produced 52,308. Of these views and suggestions, 25 propositions were derived upon which 500 Liberians representing various segments of the entire population converged in Gbarnga, Bong County in the National Constitution Reform Conference, and voted. Those 25 Propositions were submitted to the Legislature to review and approve as issues for Liberians to vote on. Obviously, all of these efforts clearly suggest that something is seriously wrong with our Constitution that needs urgent attention. GAM believes that we can build on the great work done by the CRC to initiate a possible drafting and adoption of a new Constitution to enhance our democracy, meet our governance needs and set the stage for a better future would be the best option.
2. The manner and form of drafting our current Constitution was very controversial. It is a fact that our current Constitution was written under a military regime. There were several drafts with earlier drafts far better than the one that ended up being adopted. The Constitution overly empowers the Presidency almost introducing an imperial Presidency through our Democracy. Patching this National Organic document in piece meals will not solve our problem.

Finally, Mr. President Pro Tempore and Honorable Members of the Senate, GAM truly believes that postponing the December 2020 Referendum and possibly considering the option for a comprehensive Constitution reform in the near future would be the best way in guaranteeing and sustaining our democracy. We cannot achieve this monumental task by amending the Constitution in parts or voting for Propositions in bit and pieces.

While anticipating the favorable response of our wonderful Liberian Senate, please accept in advance, our deepest gratitude for all that you do to make Liberia a better place for everyone.

Respectfully yours,



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