



## **Statement of the NDI Pre-Election Assessment Mission to the 2016 Ghana Presidential and Parliamentary Elections**

**October 17 – 21, 2016**

Accra, October 21, 2016 – The National Democratic Institute (NDI) deployed an international delegation to Ghana from October 17 to 21, 2016. The purpose of the mission was to assess preparations for the 2016 presidential and parliamentary elections and support Ghana’s efforts to conduct credible and peaceful polls. The delegation’s work builds on an earlier joint assessment mission conducted by NDI in partnership with the International Republican Institute (IRI) in August 2016. NDI plans to deploy international observers across the country for the presidential and parliamentary election slated for December 7, 2016.

The delegation was composed of regional and election experts from North America and Africa, including: Senator Ken Nnamani, former President of the Nigerian Senate and current Chairman of the 2016 Nigerian Constitutional and Electoral Reform Committee; Dr. Brigalia Bam, former Chairperson of the Independent Electoral Commission (IEC) of South Africa and previously Secretary General of the South African Council of Churches (SACC); Dr. Christopher Fomunyoh, Senior Associate and Regional Director for Central and West Africa, NDI; and Richard L. Klein, Senior Advisor for Elections, NDI. The delegation conducted its activities in conformity with international standards as reflected in the *Declaration of Principles for International Election Observation, 2005*.<sup>1</sup>

The delegation met with: the Chairperson of the Electoral Commission (EC); presidential candidates and political party leaders from the two dominant political parties of Ghana; representatives of civic organizations; women leaders; heads of statutory bodies; journalists; security officials; elder statesmen; and representatives of the international community. The delegation expresses its deepest appreciation to everyone with whom it met for welcoming the mission and for sharing freely their views on the electoral process.

These will be Ghana’s seventh presidential and parliamentary elections since the country’s return to civilian rule and re-introduction of multiparty politics with the emergence of the Fourth Republic. While past elections have not been without their challenges, Ghana has a history of

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<sup>1</sup> Declaration of Principles for International Election Observation, 2005. <https://aceproject.org/electoral-advice/election-observation/declaration-of-principles-for-international>. Accessed October 21, 2016.

transparent and inclusive polls and Ghanaians hold dearly to their democratic and electoral processes.

The 2016 polls will take place in a more challenging context than past elections. Public confidence in election administration was heavily tested during the protracted petition challenging the 2012 presidential results. The EC has a new Chairperson for the first time since its inception. Based on NDI's past experience observing Ghanaian elections, intense political competition between the two dominant political parties has been further sharpened by close presidential elections in 2008 and 2012, and the alternation of presidential power in 2000 and 2008. If credible and peaceful, the 2016 elections would further consolidate democratic institutions and practices in Ghana; however, should these polls fail to meet the expectations of the people of Ghana, that would seriously undermine democratic gains made over the past two decades and could negatively impact other countries in the sub-region.

During the delegation's visit, some Ghanaians raised concerns related to: certain aspects of the election administration; the mechanisms for resolution of electoral disputes; election security; the conduct of political parties; engagement by civil society; media coverage of the elections; and the participation of women in electoral processes.

The joint NDI/IRI delegation in August 2016 noted areas of concern as it made recommendations that various actors could take to promote credible and peaceful elections. NDI's October delegation found that significant progress has been made to foster communications and transparency, and promote credible elections in 2016. For example, EC efforts to reach out to voters and other stakeholders, more substantive IPAC deliberations, the creation of 17 additional jurisdictions to expedite the adjudication of electoral disputes, and the launch of party manifestos that are contributing to a discussion of issues of national interest. However, other important additional steps still should be taken between now and election day to further enhance confidence and prevent fraud and violence.

## **Findings**

### *Election Administration*

In consultations with the delegation, Ghanaians highlighted election administration issues of continuing concern pertaining to outreach by the EC, the voter register, nomination of candidates, verification of voters on election day, and the transmission of results and announcement of results.

Engagement with Stakeholders: The need for more engagement between the EC and various stakeholders was previously identified by the joint NDI/IRI delegation in August. Efforts by the EC to improve its outreach directly to the public was noted. The EC continues to meet on a

monthly basis with political parties through the Inter-Party Advisory Committee (IPAC). Party leaders expressed the desire for more frequent meetings with approximately 45 days left before election day. Media practitioners noted the need for more frequent EC briefings for journalists so they could more effectively inform the public about electoral preparations and procedures.

Voter Register: The voters list for the 2016 elections was compiled prior to the delegation's assessment mission to the country. Political parties raised with the delegation a strong desire to obtain the final certified voters list from the EC in order to ensure their members were included and to assess concerns that it contains deceased, foreign and underage registrants. While the delegation was in Ghana, political parties were informed by the EC on October 18, 2016 that they would be provided a copy in electronic format of the final voters register by November 3, 2016 in accordance with the EC's electoral calendar.

Nomination of Presidential Candidates: Seventeen aspirants filed nomination papers to contest the presidential election. Concerns were raised by some potential candidates over the increase in presidential nomination fees from 1,000 Cedis to 50,000 Cedis. However, they were unsuccessful in seeking a High Court injunction to prevent the EC from raising the nomination fees. Subsequently, four candidates had their nomination papers approved by the EC for the presidential election – notably flagbearers of the two predominant political parties, one other political party, and one independent candidate. The remaining 13 aspirants had their candidacies rejected: one candidate was unable to pay the nomination fee while 12 had errors in their nomination papers related to the individuals supporting their nomination (parties are required to have the details and signatures from two unique registered voters from each of the 216 districts of the country or a total of 432 individuals). The disqualification of a large number of presidential candidates was a new phenomenon in Ghana. At the time of the delegation's visit, three of the rejected candidates had petitioned the Supreme Court over the rejection of their candidacies by the EC because of errors in their nomination papers.

Verification of Voters at Polling Stations: The EC has not accepted the "No Verification No Vote" policy advocated by some political parties which would limit voting to only those individuals who are successfully verified by a biometric verification device (BVD). The EC reports there are individuals whose biometric information has been captured, but is of insufficient quality to be verified by the BVDs; thus, limiting verification to only the BVD process could result in the disenfranchising of some eligible voters. The EC explained further that in cases where verification cannot be done by the BVD, the presiding officer in consultation with party agents and observers can manually verify voters based on photographs contained in the voters register. In addition, polling stations would separately track the number of individuals verified by BVD and by the manual process. The delegation notes these positive efforts to not disenfranchise eligible voters. Concerns have also been expressed about the possibility that BVDs could malfunction on election day as happened during the 2012 polls and during the

voter registration exercise. In response, the EC will deploy two BVDs to each polling station and will reserve a replacement pool of BVDs in each district.

Transmission of Results: When the joint NDI/IRI delegation visited Ghana in August, the EC was exploring the introduction of an electronic results transmission system (ERTS) to enhance the transparency and accountability of transmission of presidential results from constituency collation centers to the EC in Accra. This system would complement the existing manual procedures proscribed by law. Two vendors provided bids to the EC to implement an ERTS for the 2016 presidential elections. However, neither bid was successful (one failed on technical grounds and the other failed to perform adequately during its demonstration). The EC is currently exploring other potential in-house options to enhance the transmission of results.

Announcement of Results: The EC has committed to posting official polling station level results for the presidential election on its website after the announcement of the official results, which would be a first for Ghana. Such action would allow political parties and interested voters to verify that the polling station results used by the EC to determine the national results for the presidential election are consistent with the results provided to party agents at polling stations. The Open Election Data Initiative ([www.openelectiondata.net](http://www.openelectiondata.net)) provides best practices for the sharing of election related data. The EC also noted the importance of the Coalition of Domestic Election Observer's (CODEO's) parallel vote tabulation (PVT) to enhance public confidence in the accuracy of the presidential results.

#### *Dispute Resolution*

Concerns were raised to the delegation about the ability of the judiciary to resolve election-related disputes in a timely and impartial manner. Some Ghanaians expressed frustration over the time it took for the courts to resolve such disputes in the past. Further, the decision to commute the sentences of “The Montie 3” for making threats against the Chief Justice of the Supreme Court was also perceived as likely to undermine the independence of the judiciary. The current petition by three presidential aspirants challenging the rejection of their nomination papers by the EC highlights the need for the timely resolution of electoral disputes. The effect of these petitions has been to delay the EC issuing a declaration of poll for the presidential election. On a positive note, the judiciary's handling of petitions related to the voter register and requiring the EC to clean the register was cited as a positive example of timely and impartial resolution of election related disputes. Further, the establishment of 17 special courts across the country specifically to address election related disputes was seen as a positive step by the Chief Justice of the Supreme Court.

### *Election Security*

The delegation again heard concerns about electoral related violence. Most recently there were incidents of violence in some districts in Brong-Ahafo and Northern regions during the transfer period for voters' registration. Although these were isolated incidents, they were particularly alarming because some of the violence targeted EC officials and their offices. As a result, the process had to be briefly suspended in some areas. As in other cases, blame was placed on "machos men" or vigilantes associated with the two major political parties. The delegation was informed that, in an effort to reduce the need for "machos men," the police are now providing security to all presidential candidates. Despite this effort, representatives of the dominant political parties still expressed concern that "machos men" for the opposing party would engage in violence and intimidation on election day against supporters from their own party.

In order to help mitigate potentials for election-related violence, the West African Network for Peacebuilding has established a National Early Warning System (NEWS). This system seeks to identify potential sources of electoral conflicts. Reports are provided by regional and community monitors to a National Election Early Warning and Response Group (NEEWARG) that is housed at the National Peace Council (NPC) and brings together various civil society and state security actors. In response to the reports received NEEWARG is able to formulate and implement strategies to prevent the outbreak of election-related violence.

As noted by the joint NDI/IRI delegation in August, Ghanaian security agencies have established a National Election Security Task Force (NESTF) to coordinate efforts to provide election security. The delegation was briefed on the NESTF's plans to train security forces on their role at polling stations on election day, how security forces will be identified, as well as its outreach strategy for informing the political parties and the public about its plans.

As noted by the joint NDI/IRI delegation 15 political parties signed the Ada Communique in May 2016 to help promote peaceful elections by encouraging "[t]hat all political parties denounce and renounce the use of violence in resolving electoral disputes." The National Peace Council (NPC) informed the delegation that it again working to have all presidential candidates publicly commit themselves to peaceful elections before election day (similar to the Kumasi Declaration facilitated by the NPC in 2012). The value of the 2012 political party code of conduct was highlighted to the delegation in several meetings.

### *Women's Participation*

Concern was expressed that women's political representation in Parliament which was already low was likely to be further reduced in the 2016 elections. Women currently hold only ten percent of parliamentary seats. However, several incumbent women lost their party primaries and, overall, few women were successfully nominated to stand as candidates in the 2016 polls.

Beyond serving as elected officials, concern was expressed that women were insufficiently represented in other aspects of political life, such as polling officials (including presiding officers) and party agents on election day. Serving in such roles can provide women with valuable experience and help build the confidence necessary to later play a large role in political life. It was noted that there may be personal safety challenges related to women serving as polling officials and party agents; at the same time, the presence of women as polling officials or party agents can also help reduce tensions and promote peace at polling stations.

#### *Party Agents*

Political parties reported that they are currently in the process of identifying party agents for election day. Party agents play a critical role by serving as the official representatives of parties and candidates at polling stations thereby enhancing the transparency and accountability of the process. However concerns were raised to the delegation that at times unprofessional party agents themselves may disrupt the process, especially when not sufficiently trained and therefore unable to fully understand their role.

#### *Citizen Observers*

A number of Ghanaian organizations and networks will observe the 2016 presidential elections. West African Network for Peacebuilding (WANEP) will host a Situation Room (SR) where voters can report violent incidents on election day. These will be reviewed and shared with the appropriate entities, for example the EC or the police, so that immediate action can be taken to resolve the issue. Similarly, a Women's Situation Room (WSR) will be established to focus specifically on challenges that women may experience on election day. CODEO will deploy 7,000 observers across all ten regions and all 275 constituencies who will send in observer reports throughout the day via coded text messages using mobile phones. As in 2008 and 2012, CODEO as part of its overall observation effort will conduct a PVT in which observers are deployed to a statistically valid sample of polling stations in order to be able to provide independent verification of the presidential election results.

### **Recommendations**

In the spirit of international solidarity with the people of Ghana, the delegation offers the following recommendations to various stakeholders on steps that can still be taken to enhance confidence in the electoral process and foster peaceful elections in December 2016.

#### *Electoral Commission*

- The EC should continue to enhance transparency and confidence in the electoral process by expanding and intensifying its engagement with all stakeholders, and

undertaking more vigorous and direct public outreach with voters in urban and rural areas.

- The EC should make a quick determination on its methodology and mechanism for the transmission of results on election day and communicate same to political parties, IPAC, the media, civil society and the public at large.
- The EC should make available to all stakeholders its communication plan for regular, structured engagement with various stakeholders, and should increase the frequency of these encounters as election day approaches.
- The EC should actively facilitate women's participation as voters, and promote gender balance in the recruitment and deployment of polling officers.
- The EC should make election-related data, such as polling station level results, available in accordance with best practices as document by the Open Election Data Initiative ([www.openelectiondata.net](http://www.openelectiondata.net))

#### *Political Parties*

- Political parties should reaffirm their commitment to peaceful polls as reflected in the Ada Communiqué of May 2016.
- Political parties should reactivate the code of conduct signed in 2012, and reaffirm their commitment to credible and violence-free polls. Party leaders and members at the national, regional, district and local levels should lead campaigns to this effect.
- Political parties should undertake effective party agent deployment plans that include training on the voting process, dispute resolution and guidelines for party poll watchers. They should prioritize the engagement of women, youth and other marginalized groups in these activities.
- Political parties should provide consistent support to women candidates and address prominently women's issues. They should also take concrete steps to counter all forms of violence against women in politics and public office.

#### *Government Agencies*

- In ensuring effective election security, the Government of Ghana should protect citizens' freedom of expression through all available platforms, including social media. Government officials involved with elections should be encouraged to engage freely with citizens through these platforms.
- The Government of Ghana should ensure that the professional integrity of security services and their plans are not compromised by political actors.
- The NESTF should continue to raise citizen awareness of issues related to election security and publicize relevant security plans in order to reassure citizens of their overall security.

- The National Commission for Civic Education should intensify activities to educate voters about the election process.

*Civil Society and Eminent Persons*

- Civil society organizations should enhance their civic and voter education initiatives and non-violence messaging, especially in rural areas and in local languages consistent with EC guidelines.
- Civil society organizations should aggressively publicize their efforts to mobilize thousands of domestic observers to be deployed in all constituencies of the country. Initiatives to complement citizen observation with innovative approaches such as the PVT should be supported and encouraged.
- Eminent persons, including religious, traditional, opinion and political leaders, should work jointly and severally to amplify and disseminate anti-violence messages.
- Media, working in collaboration with civil society, should amplify efforts to create platforms for candidate and inter-party debates and discussions of issues of national interest.
- Media should promote responsible, objective and issue-oriented election reporting, and desist from disseminating misinformation, inflammatory language and hate speech. Users of social media platforms should demonstrate a greater sense of civic responsibility in their interactions.
- The National Media Commission and Ghana Journalists Association should promote responsible election reporting and create effective mechanisms to monitor unprofessional conduct.

*International Community*

- Ghana's development partners should continue and expand their support for civic and voter education and election monitoring efforts. The training of party agents to watch all phases of the process in all parts of the country, especially on election day, is particularly critical.

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NDI is a nonprofit, nonpartisan organization dedicated to supporting and strengthening democratic institution around the world. Over the past two decades, NDI has worked closely with Ghanaians civic and political organizations to support the development of the country's democratic institutions and promote transparency and integrity of its elections. For 2016, NDI is deploying international observers and supporting a coalition of Ghanaian civil society organizations to monitor of the presidential and parliamentary elections.

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