



## **EISA ELECTION OBSERVER MISSION TO THE 7<sup>TH</sup> DECEMBER 2012 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS IN GHANA**

### **INTERIM STATEMENT**

#### **1. Introduction**

Following an invitation by the Electoral Commission (EC) of Ghana, the Electoral Institute for Sustainable Democracy in Africa (EISA) deployed a twenty five member Election Observer Mission to the 2012 Ghana Presidential and Parliamentary Elections. The EISA Election Observer Mission was led by Mr. Ahmed Issack Hassan, the Chairperson of the Independent Electoral and Boundaries Commission, Kenya, assisted by the Deputy Mission Leader, Mr. Vincent Tohbi, Director of Programmes at EISA. The members of the Mission were drawn from Civil Society Organisations (CSOs) and Electoral Management Bodies (EMBs) from thirteen countries namely Burundi, Canada, Ivory Coast, Kenya, Liberia, Libya, Madagascar, Nigeria, Sweden, South Africa, South Sudan, Tanzania, and Zimbabwe.

The deployment of the mission was consistent with EISA's mission of "the promotion of credible elections, citizen participation and the strengthening of political institutions for sustainable democracy in Africa". The EISA mission was equipped with high tech computer tablets which it used to transmit information regarding the pre-voting, voting and post-voting processes from its various teams across the country to the Mission Command Centre located at the Mövenpick Hotel in Accra in real time.

The Mission noted significant efforts made by the Ghanaian electoral stakeholders to improve the voter registration through adopting biometric technology in a bid to enhance the credibility and integrity of the voters register. The 2012 elections were therefore a

litmus test on the newly adopted biometric voter registration which produced new voter ID cards. The EISA Mission commends the enthusiastic and generally peaceful participation of the Ghanaian citizens in the elections. The Mission further extends its gratitude to the electoral stakeholders and the people of Ghana for their hospitality and for having availed themselves to meet and share their perspectives on the electoral process with the Mission.

The EISA Mission has made its preliminary observations, findings and recommendations that are being presented in this Interim Statement. Our observations are based on the African Charter on Democracy, Elections and Governance, the Declaration of Principles for International Election Observation, and the Principles for Election Management, Monitoring and Observation (PEMMO) in the SADC Region.

EISA will continue to follow the electoral process and will produce a comprehensive final report upon the conclusion of the process. The report will provide an in-depth analysis of the Mission's observations, findings and recommendations.

## **2. Mission Methodology**

The EISA Election Observer Mission adopted a short-term observation methodology. The Mission deployed 9 teams on 4 December 2012 to nine out of the ten Regions of Ghana namely, Ashanti, Brong-Ahafo, Central, Greater Accra, Eastern, Northern, Upper East, Western and Volta

Prior to deployment, the Mission conducted stakeholders briefings from 2<sup>nd</sup> December to 3<sup>rd</sup> December 2012. A number of stakeholders in the electoral process made presentations on the Ghana electoral and political history, the current electoral process and the preparedness of the various institutions. The stakeholders included civil society organisations, the Electoral Commission (EC), political parties, the police and the media. Besides the stakeholder briefings, the Mission Leader, also met with the following dignitaries with whom salient issues were discussed regarding the electoral process:

- Mr. John Kufuor, former Presidents of Ghana
- Mr. Jerry Rawlings, former President of Ghana

- Mr. Olusegun Obasanjo, former President of Nigeria

On Election Day, the EISA teams visited polling stations and observed the opening of the poll, the voting and counting processes at the polling stations, followed by the beginning of the tallying process in selected constituencies. To ensure real time transmission of data collected in the field on Election Day, all the 9 teams were equipped with innovative handheld android-based tablets. These devices use the 3G mobile network to transmit the encrypted data to an aggregation server. This server then streams the data to EISA intranet where graphical data is generated. This enables a quicker analysis and mapping of the election observation information. The EISA teams returned to Accra for a debriefing session today 8th December 2012. The EISA Observer Mission's conclusion on the general elections in Ghana is restricted to the period up to 8<sup>th</sup> December 2012.

#### **4. Preliminary Findings**

After considering relevant legislation and documentation, briefings by electoral stakeholders, media reports, direct observations made by its different teams deployed on the ground, and basing its findings and recommendations on guidelines contained in the aforementioned instruments, the EISA Mission has made the following preliminary findings:

##### **4.1 Political Context of the 2012 General Elections**

The Mission notes Ghana's democratic gains that have been made since 1992 and congratulates the country's leadership and the citizenry as a whole for demonstrating political maturity over the decades. This was further made evident during the transition following the untimely passing away of H.E. President John Atta-Mills. The Mission further notes that the 2012 Presidential and Parliamentary elections took place barely 4 months after the demise of the President-a matter which could have easily triggered political instability had it not been handled with care. The peaceful political transition during the difficult moment in the country's history contributed to a conducive environment which was crucial for the conduct of the 7<sup>th</sup> December 2012 elections.

## **4.2 Legal Framework of the 2012 General Elections**

The Mission has noted that the presidential and parliamentary elections are governed by a set of laws and regulations, the most significant being: the Constitution of Ghana (1992) and relevant statutory frameworks. As the basis for citizen participation in the political and electoral process, the Constitution makes detailed provision and safeguards for fundamental human rights and freedoms and the protection of such rights by the courts. The Constitution encapsulates representation of the people and affirms the right to vote as a fundamental right.

The Constitution also grants the Electoral Commission, a key institution in the electoral process, roles, powers and functions to enable it to effectively manage elections.

## **4.3 The Electoral System**

Ghana uses a Two-Round system for the presidential election and the First-Past-The-Post system for parliamentary election. Particularly for the parliamentary election, the Mission noted that the electoral system does not give specific considerations to promote the participation of women and youth in public leadership. This system was criticised by stakeholders during their briefing to the Mission as it is viewed not favour the representation of smaller parties in parliament.

## **4.4 Voter Registration and Voters' Register**

The Mission has noted that for the first time in the history of multi-party elections in Ghana, biometric voter registration was used to produce a new voter register and voter IDs. Whilst the EISA Mission noted this effort as progressive towards the enhancement of the integrity of the voter register, it is not necessarily without flaws. In addition to the biometric voter register, the law provides for the use of the biometric verification of voters as a pre-requisite to voting. The Mission noted that this provision gives a possibility of disenfranchising the already registered voters as a result of this provision.

The Mission noted that voter registration under the new dispensation went well aside from instances where voters in some areas were not registered leading to a court order instructing the EC to register them days before the election.

Another issue brought to the attention of the Mission was the registration of minors. Different stakeholders raised concerns regarding the credibility of the voters register. This notwithstanding, the Mission noted that the presence of minors in the voters register was detected by the EC itself and efforts were jointly made with stakeholders to discourage the minors to register and vote. However, the Mission has not at this point assessed the impact of the registration of minors on the electoral process.

#### **4.5 The Electoral Campaign**

The Mission observed that the election campaigns were generally peaceful. Despite mounting tensions closer to the polling day, the Mission noted with satisfaction the high level of tolerance between the various political parties and candidates. This owes partly to the inter-party conflict mechanism in the form of the Inter Parties Advisory Committee (IPAC) under which political parties in Ghana developed a Code of Conduct.

The Mission noted that most political parties mounted formidable campaign drives in spite of not receiving state funding for their campaign. Parties in Ghana are however not prohibited to raise funds from private sources of funding. Even so, the Mission noted that there is no regulatory mechanism for campaign expenditure in Ghana.

#### **4.6 Role of the media**

The Mission notes with satisfaction the constructive role played by the media by educating the citizens about the electoral process. Live debates among parties and candidates on various policy issues were hosted by the various media outlets. The Mission has noted with satisfaction that the media continues to carryout its duty to inform the electorate on the election results as they are made public by the EC.

#### **4.7 The Role of Security Forces**

The Mission noted that the security agencies worked closely with the EC to ensure maintenance of law and order throughout the electoral process. The security agencies established a joint operations committee which mapped out potential hotspots and devised mitigation strategies. During the polling and counting processes, the EISA teams around the country observed high presence of the security agents in a majority of the visited polling stations.

#### **4.5 Civic and Voter Education**

The Mission has noted the continuous efforts made by the EC, CSOs, political parties and other stakeholders to educate citizens on the electoral process since the dawn of multi-partism in 1992. This initiative was more evident ahead of the 2012 elections particularly given the introduction of the new biometric registration.

#### **4.6 The Polling Process**

The Mission noted that there were a number of factors which led to the delays in opening of some polling stations visited by the EISA teams. The main reason in most cases was the late delivery of materials at the polling stations.

Although the polling process proceeded smoothly in most polling stations visited, the problem of verification of voters using the biometric voter machines was observed in a number of stations. This led to a number of voters being disqualified to vote despite their names being in the voters' register.

#### **4.7 Voter turnout**

The mission observed a high voter turnout in all the visited polling stations. There was a noticeable high turnout of women and youth in most visited polling stations who were enthusiastic to vote.

#### **4.8 Party agents**

The Mission has noted with satisfaction that there was a strong presence of party agents in all polling stations visited which ensured the transparency of the polling process. Notably party agents were young people and this is a positive step in that their involvement in the electoral process.

#### **4.10 Gender Representation**

The Mission notes with concern that despite democratic gains made in Ghana, the country still lags behind in ensuring gender balance in political representation. There were no female candidates for the 2012 presidential elections and very low percentage of female parliamentary candidates across all parties.

Similar gender imbalance was glaring at the polling stations where few women were represented amongst the EC polling officials as observed by EISA teams. The majority of party agents (polling agents) were also male.

#### **4.11 Election Materials**

Despite the particular concern on defective biometric verification machines and the late delivery of materials in some polling stations, the Mission noted with satisfaction that electoral materials were in sufficient quantities throughout the polling process where they arrived.

#### **4.12 Secrecy of the Ballot**

Whilst the Mission noted that the polling booths were placed in a position that enabled secrecy of voting, there were few observed incidences where the booths were placed in a position which comprised the secrecy of the ballot particularly in densely populated areas.

#### **4.13 Polling officials**

The polling officials showed proper knowledge of the polling procedures manifesting that training was well conducted. They were also clearly identifiable, easily accessible and conducted voting operations with high level of transparency.

#### **4.14 Closing and Counting Process**

All polling stations were closed according to the election procedures. Voters on the queue were allowed to vote at the of closing of polls. However, due to technical failures of the biometric verification machines in certain polling stations, the EC took a decision to continue with polling on Saturday the 8<sup>th</sup> December 2012 in the affected polling stations.

In all polling stations observed, the counting process was conducted in accordance with the election procedures. The process took place in the presence of party agents and observers hence ensuring transparency.

## **5. Preliminary Recommendations**

Based on the foregoing observations, the EISA Observer Mission makes the following preliminary recommendations:

- a) Measures be taken to ensure greater opportunities for representation of women and youth in political positions, Such measures may involve reforms on the electoral system;
- b) Considerations be made to ensure provision of state funding for political parties and regulation of campaign finance from private sources;
- c) Measures be taken to ensure that registered voters are not disenfranchised on the basis of their rejection by the biometric voter registration machine;
- d) The EC should consider delivery of election materials at polling stations on the eve of the elections rather than on morning of the polling day to avoid a repeat of instances that led to delayed opening of polling in some polling stations; and
- e) The EC should increase its capacity to mount its own logistics in the electoral process

## **6. Conclusion**

The Mission would like to congratulate the people of Ghana for their overall peaceful conduct during the electoral process thus far. Though there have been challenges relating to the verification of voters before voting and late delivery of materials in some areas, the Mission concludes that the 2012 Ghana elections met regional, continental and international standards for credible and transparent elections.

As we are releasing this statement, voting is still underway in some polling stations in the country. The Mission hopes that the same atmosphere will prevail during the remaining stages of the electoral process.

The Mission appeals to political parties and independent candidates to accept the outcome of the elections and to resort to the legally provided channels in the event that they want to want to challenge this outcome.



**Signed on 8<sup>th</sup> December 2012**

**Mr. Ahmed Issack Hassan,**

**Mission Leader**

**Mövenpick Hotel**

**Accra, Ghana**